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Proceedings

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TO THE

MISCELLANEOUS DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FORTY-FIFTH CONGRESS.

IN FIVE VOLUMES.

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Nos. 6, 7, 8, 10, 11, 16.
Volume 2—Nos. 6 and 7.
Volume 3—Nos. 8 and 11.
Volume 4—No. 10.
Volume 5—No. 16.

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TO

THE MISCELLANEOUS DOCUMENTS

OF

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FOR THE

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45TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 16.

JAMES L. NUTTING vs. JAMES B. REILLY.

PAPERS

IN THE CASE OF

NUTTING vs. REILLY.

THIRTEENTH DISTRICT OF PENNSYLVANIA.

NOVEMBER 16, 1877.—Ordered to be printed.

CONTESTANT'S PAPERS.

No. 1.

EXHIBIT A.—*H. K. Weston, Notary Public.*

To James B. Reilly, returned as Representative-elect of the Forty-fifth Congress of the United States from the thirteenth Congressional district of the State of Pennsylvania:

HON. SIR: You are hereby notified that it is my intention to contest the election by which you are returned as the Representative from the thirteenth Congressional district of Pennsylvania, composed of the county of Schuylkill, to the House of Representatives of the United States for the Forty-fifth Congress; the said election having been held on the Tuesday next following the first Monday of November, being the 7th day of November, A. D. 1876.

I shall proceed under the provisions of an act of Congress of the United States entitled "An act to prescribe the mode of obtaining evidence in cases of contested elections," approved February 19, 1851, and under the provisions of the Constitution of the United States, and of all other acts of Congress relative to contested elections, of which you will take notice.

The following are the grounds upon which I rely in said contest, to wit:

1. That you did not receive the majority of all the legal votes cast in said district at said election, and you are therefore not entitled to the said seat and office.

2. That I did receive a majority of all the legal and qualified votes cast at said election in said district for Representative in the Forty-fifth Congress of the United States for the thirteenth Congressional district of Pennsylvania, and I am therefore entitled to said seat and office, you and I alone being candidates at said election for said office, and no other person being voted for for said office.

3. That your certificate of election was obtained by gross irregularity,

unfairness, illegality, fraud, and by the reception of fraudulent and illegal votes cast for you and the rejection of legal votes offered for me; such reception and rejection having been in violation of the Constitution and laws of the United States and of the constitution and laws of the State of Pennsylvania, practiced in the various townships, boroughs, and voting-precincts in said county and Congressional district, as hereinafter specifically stated, to wit:

4. That in each of the following election-districts in the said county of Schuylkill, to wit: Ashland Borough, (middle ward,) Blythe, North Butler, East Butler, South Butler, West Butler, North Cass, South Cass, Foster, Girardville, Gilberton, (middle and west wards,) Kline, East Mahanoy, West Mahanoy, Upper Mahantonge, North Manheim, Minersville, (west ward,) Mount Carbon, Norwegian, East Norwegian, Palo Alto, Pine Grove Township, Pine Grove Borough, Rahn, Riley, Rush, Ryon, North Schuylkill, Washington, and West Penn, votes to the number of fifty (50) and upward were taken and counted for you for the office of member of Congress aforesaid, by the officers of election in said several districts, included in the returns thereof embraced in the returns of said county of Schuylkill, and the general return of said Congressional district, and all of which votes were polled by persons who were not resident in the said districts; were not naturalized; were not registered nor assessed; were minors under the age of twenty-one; had filed no affidavits with the election-board, (or officers;) had paid no State or county tax within two years next preceding; were not qualified electors, and not entitled to vote within the respective districts in which they so voted.

5. That at the elections held in each of the following election-districts in said county of Schuylkill, to wit: Blythe, North Butler, East Butler, South Butler, North Cass, South Cass, Foster, Gilberton, (west ward,) Kline, West Mahanoy, North Manheim, Norwegian, East Norwegian, Rahn, Ryon, Washington, West Penn, and Yorkville, the election-officers fraudulently conducted and carried on said elections in their respective districts with a willful disregard of all the requirements of the laws regulating elections, by means of which only the true votes and will of the people can be ascertained in said districts; they fraudulently permitted and suffered a large number of persons not qualified voters of said districts respectively to vote at said elections to the number of twenty (20) and upward in each of the said districts, whose votes were taken and counted in the returns of said districts for member of Congress, whose names were not on the registry-list furnished by the county commissioners to the election-officers of said districts respectively without requiring or receiving proof of the qualification of such voters, and without requiring or receiving proof by a qualified elector of the residence in said districts of such voters, and without adding the names of such voters to the registry-list furnished by the county commissioners, and without making the note required by law opposite the respective names of said voters.

They fraudulently refused to mark the letter V opposite the names of all the voters in the registry-list furnished by the county commissioners aforesaid, who voted in said districts respectively. They fraudulently refused to receive proof or inquire into the qualifications of such voters whose right to vote was legally challenged. They also received the votes of non-residents of said districts not qualified electors therein respectively at said election. All of which votes were cast for you for member of Congress as aforesaid. The returns from these districts gave you the apparent aggregate majority of sixteen hundred and eight votes,

(1,608,) and I charge that all said acts were done and committed with the intent and purpose of holding an undue election, and with a desire to prevent an honest expression of the popular will and a true ascertainment of the real votes of the qualified electors residing in said districts; and that by reason of said conduct and of other wrongs and unlawful acts committed on the part of the election-officers of said districts respectively, and the wicked and evil-disposed persons who aided and abetted them in their nefarious designs, the popular will of said districts was not ascertained, but was defeated; and that the elections so held in said districts were false and fraudulent, undue and void, and the return thereof false, and should be stricken from the general return and wholly disregarded.

Under the various charges and specifications of irregularities, mistakes, frauds, and other reasons hereinbefore named as causes of the undue election and false returns of you as member of Congress of the thirteenth Congressional district of Pennsylvania, I now proceed to enumerate and designate to you such of the individual and particular cases as have come to my notice, together with the reasons therefor, these being, however, only a few of the many intended to be embraced and covered by the charges hereinbefore enumerated and set forth.

6. In the borough of Ashland (middle ward) John Adams and twenty other persons whose names are to me unknown, non-residents, not naturalized, not registered, not assessed, paid no county or State tax within two years, minors, filed no affidavits with the election-officers as required by law, voted for you for member of Congress.

7. In the township of Blythe, Patrick O'Connal, John Miner, George Dalton, Henry McDonall, Lawrence Carroll, John Whelan, Bryan O'Neill, William Purcell, Patrick Wheelan, William Lawler, Miles Finley, James Coyle, Michael Wheelan, and thirty other persons whose names are to me unknown, non-residents, not naturalized, not registered, not assessed, paid no county or State tax within two years, filed no affidavits with the election-officers, as required by law, voted for you for member of Congress.

8. In North Butler election-district, John Bumgainer, (or Bumgardner,) Edward Boyle, Tim Brennan, John Brennan, John Cunningham, James Curbly, William Curbly, James Canfield, Thomas Cavenaugh, Larry (or Lawrence) Cunningham, Owen Cunningham, Condy Cunningham, James Duddy, Charles Daugherty, Charles Daley, William Durkin, Anthony Daugherty, Patrick Farrell, Dominick Farrell, Thomas Farrell, Daniel Gallagher, Anthony Curry, Thomas Garrah, James Joyce, Patrick Langen, Thomas Langen, Patrick Munly, Dennis Munley, Patrick Monahan, Patrick McCale, Patrick McGuire, Domonic McGuire, Thomas Maloney, John McCormick, Thomas Myers, Frank McCoy, John McCoy, John Neery, Patrick Roach, James Rowland, Patrick Roach, Martin Siner, Anthony Sheran, Michael Sheran, Thomas Joice, Peter Kegan, Patrick Murphy, Owen McManaman, Edward O'Neal, James O'Neal, Martin O'Neal, Thomas McDermott, Charles Doherty, Peter Haley, Patrick Haley, J. C. Lynch, James McCall, Martin Munley, James Rowland, Michael Lenihan, and fifty (50) other persons whose names are to me unknown, non-residents of said district, not naturalized, not registered, not assessed, paid no State or county tax within two years, minors, filed no affidavits with election-officers as required by law, not qualified voters, voted for you for member of Congress.

9. In East Butler election-district, Patrick Braheny, John Boylen, Daniel Carey, John Condon, Jady Carlin, Anthony Craig, Patrick Curley, Patrick Doherty, Thomas Doherty, Thomas Doherty, Phillip Erwin,

Michael Ginly, George Doherty, Patrick Gannon, sr., Anthony Gaughan, Anthony Gaughan, sr., Patrick Housten, John Haley, Patrick Lauftus, (or Loftus,) John Monaghan, Patrick Moran, Patrick McAndrew, Owen McLane, John McLarkey, Michael McAndrew, John McDonnell, John J. McDonnell, Patrick McGinnes, James McLankey, Patrick McDonnell, James McAndrew, Henry Mills, Thomas Moran, Michael Monahan, John McCullough, Michael Moloney, James Nolan, Edward Norey, James Reddy, Terry Scanlan, John Thomson, Adam Mortz, Brian Heferin, Lawrence Heferin, Patrick Henely, Owen Mulhern, John Galligher, James Carey, Patrick Noon, Michael Nolan, John Coogan, Peter Haley, John Heffran, Anthony Gauhan, Patrick Lainey, J. C. Lynch, Patrick McHale, Edward Joyce, Patrick Mullarkey, and fifty (50) other persons, whose names are to me unknown, non-residents of said district, not naturalized, not registered, not assessed, paid no State or county tax within two years, minors filed no affidavits with the election-officers as required by law, not qualified voters, voted for you for member of Congress.

10. In North Butler election-district, John Murphy, Montgomery Shannon, Patrick Mullin, Michael Boylin, Patrick McGever, James Tool, Thomas Mullin, and fifty (50) other persons whose names are to me unknown, non-residents of said district, not naturalized, not registered, not assessed, paid no State or county tax within two years, minors, filed no affidavits with the election-officers as required by law, not qualified voters, voted for you for member of Congress.

11. In West Butler election-district, twenty persons and upward, whose names are to me unknown, non-residents of said district, not naturalized, not registered, not assessed, paid no State or county tax within two years, minors, filed no affidavits with the election officers as required by law, not qualified voters, voted for you for member of Congress.

12. In North Cass election-district, William Britt, William Sweeny, Michael Cantwell, James O'Connor, and one hundred (100) other persons whose names are to me unknown.

13. In South Cass district, John Tool, John Ryan, Patrick Buggey, John O'Maley, Michael Laffey, Lawrence Butler, and one hundred and fifty (150) other persons whose names are to me unknown.

14. In Foster Township, Patrick Brennan, (Hardy or Bent,) James Munhall, (registered,) Thomas Duling, and fifty other persons whose names are to me unknown.

15. In Girardville Borough, thirty persons and upward, whose names are to me unknown, all of the foregoing persons referred to in North Cass, South Cass, Foster, and Girardville, in this and the three immediately preceding specifications, were non-residents of said districts, were minors, were not registered, were not assessed, paid no State or county tax within two years, were not naturalized, were not qualified voters, failed to file any affidavits with the election-officers sworn to as required by law, voted for you for member of Congress.

16. In Gilberton west ward election-district, Patrick Ryan, William Ready, James Riley, John Rearden, James O'Brien, Patrick McConnell, James Killian, John Kupp, Christopher Grogan, Dr. F. D. Ernack, James O'Brian, and thirty (30) other persons whose names are to me unknown, non-residents, not naturalized, minors, not registered, not assessed, paid no State or county tax within two years, filed no affidavits with the election-officers, voted for you for member of Congress.

17. In Gilberton middle ward election-district, thirty persons and upward, whose names are to me unknown.

18. In Gilberton east ward election-district, ten persons and upward, whose names are to me unknown, the persons referred to in middle ward and east ward election-districts in Gilberton in this and the preceding specifications, were not residents of said districts, were minors, were not registered, were not assessed, paid no State or county tax within two years, were not naturalized, filed no affidavits with the election-officers, voted for you for member of Congress.

19. In Kline Township election-district, Jacob Isenhower, William Gordon, John Gorman, John W. Eisenhower, Patrick Lafferty, Phillip Reily, Connell McGee, Joseph Lynty, John Sharkey, William Keely, Oswald Pfaffer, Michael Burns, Patrick McNellis, Patrick McDermot, Roger O'Donnell, Michael Cullanan, Dennis O'Herron, Frank Gallagher, Dennis McCool, Peter Feltis, Con Haggerty, James Stapleton, Edward Coffee, Thos. Castell, Patrick Boyle, Jerry Burns, Edward Mulligan, Peter Crill, Patrick M. Boyle, Edward Muldowny, Hugh McCready, Chas. Gallagher, James Castle, William Millin, John McDevitt, Brotus Sangin, John Clerk, Patrick Dunleary, John Schultz, Matthew Cumming, William Billingsby, James McNellis, Michael O'Donnell, Thomas Brennan, Edward Purcell, John McGlinn, Thomas Donlin, Michael O'Donnell, Patrick Manley, Edward McGlinn, John McGee, John McConuell, John Boyle, Chas. Gallagher, Maurice Maloy, Daniel McCafferty, Wm. Billingsby, John B. Gallagher, John Tamany, Edward Purcell, Peter Boyle, William Terry, Thos. Donlin, Thomas Beveridge, James Brennan, Patrick Gallagher, Edward McGlinn, Reese Davis, John Moran, Barney Burns, John Kelly, Louis Francis, Hugh Boyle, and seventy (70) other persons, whose names are to me unknown, non-residents of said district, not naturalized, not registered, not assessed, paid no State or county tax within two years, minors, filed no affidavits with election-officers as required by law, not qualified electors, voted for you for member of Congress.

20. In Rahn Township election-district, Owen Carr, James S. Gallagher, John Meenalo, John O'Donnell, Bernard Boyle, Daniel Mellay, John Yarn, Charles Foulk, William Mehan, John McLean, John Boyd, Christian Miller, Daniel Dougherty, Elias Lassaman, Edward Quillan, John McNeal, John Bough, Joseph McGeehan, John Mahoney, John Sharp, John Banley, John Fulk, Peter McGobrick, Patrick McGee, Andrew Hailsen, Patrick O'Donnell, James McElroi, George Aiken, Daniel O'Donnell, Patrick Bower, Patrick Molloi, Jacob Bainer, Patrick McElroi, Mayor Carter, John Carter, John Burns, and seventy other persons whose names are to me unknown, non-residents of said district, not naturalized, not registered, not assessed, paid no State or county tax within two years, minors, filed no affidavits with the election-officers as required by law, not qualified electors, voted for you for member of Congress.

21. In West Mahanoy election-district, Anthony Dixon, Edward Mensher, James Kelly, Patrick Marnen, Philip Marnen, Patrick Brannan, Thomas Smith, Richard Gulden, William Smith, Michael Miranghty, Michael Floerty, James Crawford, John Purcell, Darby Curran. Michael Mac, Patrick Dealy, Darby McGrough, Thomas Castelo, John Nash, Michael Bowers, John Bowers, Edward Purcell, Patrick Tobin, Thomas Discean, William McGlaughlin, Patrick Discean, Andrew Cain, Thomas Bowers, Michael Noan, Andrew Bagle, Edward Discean, Patrick Noon, Patrick Fergussion, Anthony Cogle, Andrew Deane, Michael V. Boyle, Thomas Flannery, Richard McGrough, Martin Bowns, Harry Bock, John Malge, Peter Malge, James Bowens, John Flannigan, Bryan McAvoy, Thos. Flannigan, Edward Hallard, John Gavin, Thomas

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22. In East Mahanoy, fifty persons and upward, whose names are to me unknown, non-residents of said district, not naturalized, not registered, not assessed, had paid no State or county tax within two years, minors, filed no affidavits with the election-officers as required by law, not qualified voters, voted for you for member of Congress.

23. In North Manheim election-district, Michael Kelly, Thomas Brennan, John Brittain, and fifty other persons, whose names are to me unknown, non-residents of the district, inmates of county almshouse, not registered, not assessed, not naturalized, not having paid State or county tax within two years, minors, filed no affidavits with the election-officers as required by law, not qualified voters, voted for you for member of Congress.

24. In Minersville, west ward, fifteen persons and upward, whose names are to me unknown.

25. In Mount Carbon, twenty persons and upward, whose names are to me unknown.

26. In New Castle Township, thirty persons and upward, whose names are to me unknown.

27. In Norwegian Township, Patrick Dalton, Dennis Deasey, and forty other persons whose names are to me unknown.

28. In East Norwegian Township, James Burke, Elix Herron, and fifteen other persons whose names are to me unknown.

29. In the borough of Palo Alto, Dennis Gillespie, John McKenna, sr., James W. Mennamin, Frank Condon, Thomas Falkenbridge, Hugh Laughrey, and forty-five other persons whose names are to me unknown.

30. In the borough of Pine Grove, Abraham Girker, (non-resident,) and ten other persons whose names are to me unknown.

31. In Pine Grove Township, Daniel Greenawald, (non-resident,) Samuel Snoke, and fifteen other persons whose names are to me unknown.

32. In Riley Township, ——— Crowe, ——— Crowe, and twenty other persons whose names are to me unknown.

33. In Rush Township, fifteen persons and upward, whose names are to me unknown.

34. In Ryon Township, fifteen persons and upward, whose names are to me unknown.

35. In North Schuylkill district, twelve persons and upward, whose names are to me unknown.

37. In Shenandoah, first ward, Austin McGrail, Thomas McGrail, Charles Nasbitt, and fifty other persons whose names are to me unknown.

38. In Shenandoah, fourth ward, Charles Burns, ——— Feldman, ———, and ten other persons whose names are to me unknown.

39. In Tamaqua, north ward, H. S. Kepner, ——— Sassaman, Joseph Leiby, Barny McCarren, Frederick Scheide, Edward Gilespie, and thirty other persons whose names are to me unknown.

40. In Tamaqua, east ward, twenty persons and upward, whose names are to me unknown.

41. In West Penn Township, fifty persons and upward, whose names are to me unknown.

All of the foregoing persons referred to in west ward Minersville, Mount Carbon, Newcastle, Norwegian, East Norwegian, Palo Alto, Pine Grove Borough, Prine Grove Township, Riley, Rush, Ryon, North Schuylkill, first and fourth wards Shenandoah, and east and north wards Tamaqua, and West Penn, in this and the sixteen immediately preceding specifications were non-residents of said districts, were minors, were not registered, were not assessed, had paid no State or county tax within two years, were not naturalized, failed to file any affidavits with the election-officers as required by law, voted for you for member of Congress.

42. That at the said township of West Penn two or more persons voting at said district illegally deposited each more than one ballot, to wit: one deposited two ballots and the other deposited three ballots; all of which should have been thrown away or destroyed by the officers of the election; all of which ballots contained your name thereon for member of Congress as aforesaid, two or more of which were counted for you, and which should be deducted from the general return. The election-officers also counted and returned three hundred and five votes cast for you and one hundred and forty-two for me, making three hundred and forty-seven votes cast at this poll, when in truth and in fact only three hundred and forty-six or less votes were cast. The ballot or ballots so counted above the number of votes polled contained your name thereon for member of Congress, were counted for you, and should be deducted from the general return.

43. That the election held at East Butler election-district the election-officers were not sworn as prescribed by law, and Edward Gorman, who acted as judge of the election, was not a qualified voter of said district, and not competent to act as such officer at said election, he not having paid a State or county tax within two years.

44. That in each one of the several districts in said county of Schuylkill, persons, whose names are to me unknown, to the number of five and upward, lawfully-qualified electors of said districts and entitled to

vote therein, offered to the election-officers of their respective districts their several ballots, all of which said ballots containing my name thereon for member of Congress aforesaid, which said ballots having been duly and lawfully offered to said election-officers by the qualified electors aforesaid, were by such officers illegally rejected; all of which ballots should be counted and added to the votes cast for me for member of Congress at said election.

45. That in each of the election-districts of the said county of Schuylkill errors to the number of five or more were made against me in the count of the ballots of each of said districts; and errors to the number of five and upward in each of said election-districts were made in your favor; and errors to the number of five and upward were made in the return of each of said election-districts against me, and like errors, to the number of five and upward, in each of said election-districts were made in your favor; by reason of all which your vote was largely increased and my vote largely diminished in the general return; all of which should be corrected.

46. By the general return of the entire county and district you received the apparent majority of eighty-one (81) votes.

Having now specified my grounds of contest, I again assert that this apparent majority was fraudulent and void, and that at said election held on the 7th day of November, A. D. 1876, I was, by a correct and full vote returned to each, by a large majority duly elected, and that by a correct and true return I would have been duly elected, and I am legally entitled to represent the qualified electors of the thirteenth Congressional district of Pennsylvania in the Forty-fifth Congress of the United States.

December 5, 1876.

J. L. NUTTING.

UNITED STATES OF AMERICA,
Eastern District of Pennsylvania, ss:

On this 14th day of December, A. D. 1876, personally came before me, a United States commissioner for said district, Franklin D. Sterner, who, being duly sworn, on his solemn oath says that he is well acquainted with James B. Reilly, who is returned as the member of Congress elect for the thirteenth Congressional district of Pennsylvania, and who is the person to whom the within and foregoing notice is addressed, and that he did on the 6th day of December, A. D. 1876, at the city of Washington, in the District of Columbia, serve a full and complete copy of the foregoing notice upon the said James B. Reilly by delivering the same to him and leaving it in his possession. That said copy was carefully compared by this affiant with this the original notice, and that the same was a true, full, and complete copy hereof.

FRANKLIN D. STERNE

Subscribed and sworn to December 14, A. D. 1876, before me.

JNO. P. HOBART,
United States Commissioner.

Copy of incumbent's answer.—H. K. Weston, Notary Public.

To JAMES L. NUTTING, Esq.:

SIR: For answer to your communication dated December 5, 1876, notifying me of your "intention to contest the election by which I was returned as the Representative from the thirteenth Congressional district of Pennsylvania to the House of Representatives for the Forty-fifth Congress, said election having been held on the Tuesday next following the first Monday of November, being the 7th day of November, A. D.

1876," first excepting to the sufficiency of the same in law, and reserving and not intending by this reply to waive any legal objection thereto, I deny each and all of the allegations and charges therein contained, and more particularly answer as follows:

1. To the first specification set forth in your notice I reply that I did receive the majority of all the legal votes cast in said district at said election, and am therefore entitled to said seat and office.

2. I deny that you received a majority of all the legal votes cast at said election in said district for Representative in Congress, and deny that you have any right to said seat and office.

3. I deny the allegations contained in specification 3d, of your notice, and assert that my certificate of election was regularly and fairly obtained, and awarded by the proper legal authority in full and strict compliance with law.

4. I deny that any person or persons were permitted to vote for me at the following election-districts, or in either of them in said district, viz: Ashland, (middle ward,) Blythe, North Butler, East Butler, South Butler, West Butler, North Cass, South Cass, Foster, Girardville, Gilberton, (middle and west wards,) Kline, East Mahanoy, West Mahanoy, Upper Mahantongo, North Manheim, Minersville, (west ward,) Mount Carbon, Norwegian, East Norwegian, Palo Alto, Pine Grove Township, Pine Grove Borough, Rahn, Reilly, Rush, Ryon, North Schuylkill, Washington, and West Penn, who had no legal right to vote thereat, or that the vote or votes of any such person or persons were received and counted for me, as in specification 4 of your notice is alleged.

5. I deny that at each of the following election-districts in said county of Schuylkill, to wit: Blythe, North Butler, East Butler, South Butler, North Cass, South Cass, Foster, Gilberton, (west ward,) Kline, West Mahanoy, North Manheim, Norwegian, East Norwegian, Rahn, Ryon, Washington, West Penn, and Yorkville, the election officers fraudulently conducted and carried on said election in their respective districts, or that they fraudulently received and counted for me the vote or votes of any person or persons not legally entitled to vote therein, or that they fraudulently refused proof or to inquire into the qualifications of such voters whose right to vote was legally challenged, or that the elections held in said districts were false, fraudulent, undue, and void, and the return thereof false, as in your said notice is alleged; but, on the contrary, assert that the conduct of the election officers in said districts was proper and legal, and the election conducted and carried on by them was in all respects according to law, and I assert that the charges contained in this specification 5 of your notice are wholly unfounded in fact.

6. In reply to the charges contained and set forth in specifications marked 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, and 41 of your notice, I deny that in any of the election-districts in said enumerated specifications above mentioned any of the persons named therein, respectively, or any other person or persons, voted for me at said election in any of the said election-districts without being legally entitled to vote thereat, as in said specification is alleged.

7. I deny the charges contained in specification 42 of your notice, and in further reply say that no votes were counted and returned for me from said township of West Penn except such as I was by law entitled to have so counted and returned.

8. I deny that at the election held at East Butler Township the election-officers were not sworn as prescribed by law, and that the judge of said election was not competent to act as such officer.

9. I deny that any person legally entitled to vote in any of the election-districts of said county of Schuylkill, who offered to vote for you at said election, was illegally refused, as in specification 44 of your said notice is alleged.

10. I deny the charges and allegations contained in specification 45 of your notice.

11. I admit that by the general return of the entire county and district I received the apparent majority of eighty-one, but allege and maintain that my true and real majority of the legal votes cast at said election was much greater, and was reduced to said apparent majority by reason of a large number of illegal votes fraudulently cast for you, and so counted and returned. And not waiving the foregoing denial, but claiming and insisting that the same is a full and sufficient answer to each and all the charges contained in said notice, for further answer, say:

First. That I received a majority of all the legal votes east at said election, and that you did not receive a majority of said votes.

Second. Illegal votes were cast for you at every election-poll and voting-place in said district at said election by persons who were non-residents of said districts, respectively, not naturalized, not registered, not assessed, had paid no State or county tax within two years, under the age of twenty-one years, filed no affidavits with the election officers as required by law, not qualified electors, and not entitled to vote at said election.

Third. That the election held in the south ward of the borough of Tamaqua in said district was illegal in this: that the person who acted as judge of said election was not a qualified voter of said election-district, and therefore not competent to act as such officer.

Fourth. Illegal and fraudulent votes were cast for you at every election-poll and voting-place in said district by persons who were bribed, directly and indirectly, to vote for you by the corrupt use of a large amount of money and other unlawful considerations.

Fifth. I shall contend and insist that all illegal votes cast for you, and so counted and returned, shall be disregarded.

Pottsville, January 3, 1877.

JAMES B. REILLY.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Benjamin F. Crawshaw, being duly sworn according to law, deposeth and saith, that as one of the clerks for Hiram K. Weston, esq., a notary public in and for said county of Schuylkill, residing within said thirteenth Congressional district of Pennsylvania, and before whom the testimony of witnesses is to be taken in the matter of the contest for a seat in the House of Representatives of the United States of America in the Forty-fifth Congress from the said thirteenth Congressional district of Pennsylvania, between James L. Nutting, contestant, and James B. Reilly, incumbent, he will impartially and truly write down the whole of the evidence of each and every witness produced, sworn, or affirmed, and examined in relation to any matter touching said contest, and in all things truly and faithfully perform his duty as clerk to the best of his ability.

B. F. CRAWSHAW.

Sworn and subscribed before me this eighteenth day of January, A. D. 1877.

[SEAL.]

H. K. WESTON,
Notary Public.

In the matter of the contested election in the thirteenth Congressional district of Pennsylvania for a seat to represent said district in the House of Representatives of the United States in the Forty-fifth Congress.

Deposition of witnesses taken before Hiram K. Weston, a notary public, in and for the county of Schuylkill, and State of Pennsylvania, residing in the said thirteenth Congressional district of Pennsylvania, at the public house of Mrs. M. J. Deach, in the borough of Shenandoah, in the said county of Schuylkill, on the part of James L. Nutting, contestant, on the 18th day of January, A. D. 1877.

The said Hiram K. Weston appoints Benjamin F. Crawslaw, a resident of said thirteenth Congressional district, as clerk, to write or transcribe the testimony in the above matter.

Parties present: William R. Smith, esq., and Edward Monaghan, esq., of counsel for contestant; John A. Nash, esq., of counsel for incumbent.

William R. Smith, esq., offers the copy of notice of contest, Exhibit A; also, copy of notice of taking testimony at this time and place Exhibit B, with proof of service of both upon the incumbent.

PETER W. KIEFABER sworn.

I reside in West Mahanoy Township, Schuylkill County; I have resided there since April, 1870. I voted at the last November election. I was one of the clerks at that election. I have the list of voters with me that I kept as the clerk at that election. (Witness produces list, marked "No. 1.") I was appointed clerk by the election-officers. I took down the names upon this list of the voters as they presented themselves and voted at the election, and it is a correct list of the voters who voted at that election. The election was held on the 7th of November, A. D. 1876.

Cross-examined by Jno. A. Nash, esq.:

I was appointed by John Jarvis, Republican inspector. I wrote down every name that appears upon this list with the exception of one name. I could not state positively who wrote that one name. I think John Noon was the name of the other clerk. His list was sent in with the election-returns by the officers. I kept this one in my possession. I have had it in my possession ever since. It was never out of my possession. I can't say positively whether anybody looked over it since it was in my possession. It was kept in my house. It was locked up. I carried the key of the desk in which it was locked up. This desk is in the store. The store is in the house. The proprietor of the store, T. H. Bechtel, also had a key to that desk. No other person had any key to it. I had taken it out of that desk myself since the election, for the purpose of looking over the list of voters. I think no party looked at it while I had it. I couldn't state positively that I took it out at anybody's request. The reason that I can't say positively whether anybody looked over it or not, is because I don't remember anybody requesting to look over it.

Re-examined:

No alterations have been made in this list since the close of election. It is just as it was when the election closed.

Recross-examined:

The little crosses and marks after the voters' names were made during the election. They indicate the years in which the parties paid their taxes, of the receipts that were presented. The × means 1875. The

dash means 1876. The diagonal mark indicates nothing. The other list of voters has not got all of the same marks. I put these marks on at the request of the Republican voters of the township. The election-laws did not require me to place those marks there.

Q. Then you kept these check-marks on the list of voters for the benefit of the Republican voters of that township?—A. I kept the check marks, or placed them there, at the request of the Republican voters. William Hay requested me to do so. No one else asked me to do so. I think I did not show these check-marks to William Hay afterward. He asked me on the day of the election to keep the check-marks. I suppose Hay was acting for the Republicans of the township. I think he was exerting himself for the Republicans of the county in that campaign. I could not state that he was acting for Colonel Nutting. I should think he was not working for Mr. Reilly, as a live Republican of that district. I do not know that he was working for Colonel Nutting. I do know that Mr. Hay was an active Republican in the last campaign.

PETER W. KIEFABER.

Subscribed and sworn before me, a notary public, this eighteenth day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Counsel for the incumbent objects to the list of voters as produced by the witness, because—

1st. The list returned to court by the board of election officers is a proper testimony as to voters at that election.

2d. It appears by the testimony of the witness that the list of voters was not kept wholly by him.

3d. That the list contains private marks not authorized or required by the election-laws, kept for the benefit of the Republican party.

JOHN DONNELLY sworn:

I live in West Mabaury Township. I was collector of, and am still collector of, State and county tax for the year 1876. I have my tax duplicate with me. Patrick Brennan did not pay me State or county tax for 1876, but it was paid for him. There are more Patrick Brennans than one. This Patrick Brennan lives in Raven Run, in one of Heaton's houses. Patrick Harnan lives in the house next to him. The Democratic committee paid Patrick Brennan's tax for him. They paid it thirty days exactly before the election. They paid it to me in Pottsville. They paid it for others at that time. Thomas McLaughlin, a member of the committee, sent me word to go to the committee. They wanted to make arrangements to pay the taxes for persons who had paid no State or county tax within two years, and were too poor to pay them. I went to the committee at Pottsville; they told me to get a list of those whose taxes were to be paid. I returned home and prepared a list. I put a good many of the names on the list myself, and then I went to different ones in the patches, whom I thought knew the parties better than I did, and they gave me names. I put all together on a list; can't say how many there were. I couldn't say exactly how many names I had on the list; but I think it was over a hundred. This list of taxes amounted to about one hundred and seventy dollars, ($170,) or over. I filled up receipts; did not take the list to the committee. I filled up about one hundred and thirty-six to about one hundred and forty receipts, and took them to the

committee at Pottsville. Of the committee at Pottsville I saw Mr. Schalck, the chairman of the Democratic committee. I was down two or three days; they had no time to attend to it the first two days. The third day, which I think was the 7th of October, I went there again, showed them my receipts, which I had along, which were filled and dated the 4th, 5th, and 6th of October, 1876. Then they looked over the receipts, figured over them, and they figured them up to about $170, more or less. They allowed they had not that much money to pay it, but they would pay what they had at that time, and for the balance they would make an arrangement to pay afterward, whatever that balance would be, if I would take their word for it.

Question. How much, if any, money did they pay you on that day?

(This is objected to by John A. Nash, esq., counsel for the incumbent, because it is irrelevant, unless it is proposed to show that these tax-receipts were not produced at the polls upon the day of election by the parties voting upon them; for, if produced, they were conclusive evidences of the payment of the taxes mentioned therein upon the election officers.)

Answer. They paid me on that day forty-seven dollars and some odd cents. It was paid to me in money. There was no check given.

(The foregoing objections by counsel for incumbent to apply to all questions of similar purport to this witness.)

It was understood that the balance would be paid to me as soon as they would get money. Mr. Schalck, the chairman, paid me the forty-seven dollars and odd cents. They have not paid me that balance since then. I gave the receipts for this $170 over to the committee; they handed them back to me and said they would rather I would distribute them; that I knew the parties better than they did. I can't say that I distributed for sure all these receipts, but I distributed a good many of them. I found out that some of those on the list already had receipts for the year before, and the understanding with the committee was that I should look that up, and not give receipts to any who held receipts for the year before. I distributed the receipts on election-day, being the 7th day of November; distributed them at the polls. Patrick Brennan, of Raven Run, was one of the parties to whom I gave one of those receipts. Michael Burns was also one. He lives in Raven Run. He boards with his father, Patrick Burns. John Burns was another. He also boards with his father, Patrick Burns. Thomas Burns was still another.

Adjourned to 1 o'clock p. m.

I don't think Andrew Boyle was one of those to whom I handed a receipt. He may be on the list, but he did not get a receipt. He has not paid his county and State tax for 1876 to me. I gave Michael Burns a receipt. James Burns got a receipt. There are two Michael Brennans. Both paid me. Neither of them got one of those receipts. John Burke did not get one of those receipts. There are two or three John Burkes. Two John Burkes have paid me; the John Burke who did not pay me lives at Danesville. I mean State or county tax. Michael Brown got one of those receipts. I put a mark to his name so that I could mark it paid when filling up my duplicate.

Dennis Brennan got one of those receipts for State and county tax. Two John Barretts have not paid me. I think there are three John Barretts. Not one of the three John Barretts have paid me. Not one of the three John Barretts got one of those receipts for State or county

tax. I think two of them were away at the time of the election. John Burton did not pay me. I do not remember that he got one of those State or county receipts. I know of but one John Burton. I think he lives around Loss Creek. James Crawford got one of those State or county receipts for 1876 from me. Darby Curran not paid; he did not get one of those receipts from me. Thomas Castello did not pay me State or county tax for 1876. He did not get one of those receipts. Andrew Kane did not pay me State or county tax for 1876. He did not get one of those receipts. Anthony Coyle did not pay me State or county tax for 1876. I don't think I gave him one of those receipts. Michael Canfield has paid me. I gave him one of those receipts for county and State tax for 1876. I think he paid me his tax since the election. I gave him a receipt upon election-day, upon his word and honor that he would pay me afterwards; I gave him one of those receipts that was filled for him. James Castello got one of those receipts for State or county tax for 1876. Owen Clark also got one of those receipts for State or county tax for 1876. Edward Coyle, I think I gave him one of these receipts for State or county tax for 1876. I think he lived somewhere around the Loss Creek store. I think he moved away since—I don't know where to. I think he has moved out of the county. I think Anthony Coyle might tell where to.

Patrick Coyle got one of those receipts for State or county tax for 1876. He lives some place near Loss Creek. Michael Coyle—I don't remember whether or not he received one of those receipts for State or county tax for 1876. If he did not his tax is not paid. Dennis Curdoff lives about Loss Creek, and he got one of those receipts for State or county tax for 1876. Michael Cardoff also received one of those receipts for State or county tax for 1876. I don't remember giving William Cox one of those receipts; don't know if there is such a name on my duplicate. William Casey has not paid me. I did not give him one of those receipts for State or county tax for 1876. I think Matthew Costello got one of those receipts for State or county tax for 1876. I think Anthony Crane got one of those receipts for State or county tax for 1876. Don't remember that John Cummings got one of those receipts. He has not paid me his tax.

Patrick Cuff got one of those receipts for State or county tax for 1876. There are, I think, two Michael Coyles. One of them got one of those receipts for State or county tax for 1876. I think the Michael Coyle who got the receipt lives in Danesville. Anthony Dixon got one of those receipts for State or county tax for 1876; he lives at Loss Creek. Patrick Daley, I think, got one of those receipts for State or county tax for 1876; he lives in Raven Run. I think Thomas Dixon got one of those receipts for State or county tax for 1876; he lives in Raven Run. Patrick Dixon got one of those receipts for State or county tax for 1876; he lives in Raven Run. I don't remember that Edward Dixon got one of those receipts; he has not paid his State or county tax for 1876. I think Andrew Deane got one of those receipts for State or county tax for 1876; he lived at that time at Danesville; don't know where he lives now. I don't think Peter Donahoe got one of those receipts; he has not paid me his State or county tax for 1876; he lives at Raven Run. Patrick Deane—I don't remember him having got one of those receipts for State or county tax for 1876. There are two Patrick Deanes; both have paid; one lives at No. 3, the other lives at Danesville; I don't remember having given either of these Patrick Deanes any of those receipts I received from the county committee. I did not give John Delaney one of those receipts I received from that

county committee; he has paid his tax for 1876; I think it was paid since the election. One of the Patrick Deanes paid me his State or county tax for 1876 before the election; I think the other Patrick Deane paid me since the election; he lives at Danesville; I mean the one who paid since the election lives at Danesville. Martin Donahue has not paid me any State or county tax for 1876. John Dunleavy and John Dunleary are names that I do not find upon my tax duplicate for the year 1876. I do not find on my tax duplicate for 1876 the name of Anthony Dunleavy or Dunleary.

James Dixon has not paid me his State or county tax for 1876. Anthony Deane received one of those receipts I got from the county committee; he lives at Loss Creek. There are two Anthony Deanes. This last one lives at Danesville; he has paid me his tax, State or county, for 1876 since the election. I don't remember that Michael Deane got one of those receipts I got from the county committee; he has paid me since the election for his State or county tax for 1876. James Devitt—I do not remember giving him one of those receipts for State or county tax for 1876; he has paid that tax; paid since the election, I think. I did not give Michael Floerty one of those receipts; he has paid his tax; paid since the election, I think. I think Patrick Ferguson got one of those receipts from that county committee for State or county tax for 1876. I do not think that Thomas Flannery got one of those receipts; he has not paid me his State or county tax for 1876.

John Flanagan got one of those receipts of that county committee for State or county tax for 1876. Don't remember whether or not Thomas Flannagan got one of them. I think his tax, State or county, for 1876 is paid. I think he paid it since the election. I could not say for sure when he paid it. Can't say whether I gave him one of those receipts or whether he paid me. His name is marked paid. I think Gil Ferguson got one of those receipts from that county committee for State or county tax for 1876. He is marked paid anyhow. I don't remember giving Bartley Flannery one of those receipts. His taxes is marked paid, anyway. Can't say whether his tax was paid before or since the election. I know that it was a good while ago. I don't remember giving Michael Flannery one of those receipts from that county committee. He has paid his State or county tax for 1876. He lives in Danesville, I think. I think his tax was paid since the election. Patrick Flannery has not paid me his State or county tax for 1876. I gave Anthony Flannery one of those receipts from that county committee for State or county tax for 1876. Richard Goldin has paid me no tax for 1876. I don't remember whether or not John Gavin got one of those county committee receipts for State or county tax for 1876. His name is not upon my tax-duplicate for 1876. I don't recall having given Frank Garvey one of those county committee receipts for State or county tax for 1876. He is marked paid. If he did not get one of those receipts, then I think he paid since the election. I don't remember that Peter Gilroy got one of those receipts from county committee for State or county tax for 1876. He is not marked paid on my tax duplicate. I do not remember that James Gannon got one of those receipts from county committee for State or county tax for 1876. He is not marked paid. He has not paid. I don't remember that Martin Gilroy got one of those receipts either. He is not marked paid, and has not paid.

Edward Houston did not get one of those receipts. He is not marked paid, and has not paid his State or county tax for 1876. He lives at Raven Run. He told me that he had a receipt for the year before. Don't remember that Patrick Harnen got one of those receipts for State

or county tax for 1876. He is not marked paid, and has not paid. He lives at Raven Run. Philip Harnan did not get one of those county committee receipts. His name is not on my duplicate for 1876; is a young man, and lives at Raven Run. Michael Herrety did not, that I remember, get one of those county committee receipts. He has paid his State or county tax for 1876. Think he paid me since the election. He lives at Raven Run. I think Edward Halton got one of those county committee State or county tax receipts for 1876. He lives at Raven Run. Couldn't say whether or not James Hurley got one of those county committee receipts for State or county tax for 1876 or not. He is not marked paid. I think he lives at Colorado. I think John Harnan got one of those county committee State or county tax receipts for 1876. I think he lives at Colorado.

I think Edward Herrighty also lives near Danesville; got one of those county committee State or county tax receipts for 1875. I don't mind that James Herrighty got one of those county committee receipts for State or county tax for 1876. He is marked paid—paid within two months, I think. I am not sure whether John Herrighty got one of those county committee State or county tax receipts for 1876 or not. He lives at Danesville. William Harkins' name is not upon my tax duplicate for 1876. I know him. He lived at Danesville. He lived there last November. I think Martin Hobin got one of those county committee receipts for State or county tax for 1876. I think he lives at Colorado.

I don't know anything about Anthony Hobin. Name not on my duplicate. I don't know him. I have James Hobin's name on my duplicate for 1876. Think I gave him one of those receipts for State or county tax for 1876. He lives at Colorado. I know only one Edward Herrighty. There is only one name of this kind upon my duplicate. Peter Joyce—I do not remember his having received any county committee receipt, State or county, for 1876. His tax is marked paid on my duplicate. If he did not get one of the committee receipts he paid me since the election, I think. Larry Joyce I may have give one of the committee receipts, but I do not remember it. He is not marked paid for State or county tax for 1876 on my duplicate. He lives somewhere around Loss Creek. Peter Joyce lives at Raven Run.

James Kelly did not get one of those county committee receipts for State or county tax for 1876. He is not marked paid on my duplicate. He lives at Raven Run. I think Thomas Kelley got one of those county committee receipts for taxes, State or county, for 1876. He lives at Colorado.

Patrick Kilker; I do not remember him having received one of those county committee receipts for State or county tax for 1876. If he did not get one of them, then I don't remember when he paid. There are two Patrick Kilkers on my duplicate for 1876. One lives at Loss Creek; the other, I think, lives at Danesville. The one at Loss Creek paid first—more than two months ago; I can't say for sure when—paid me in money in his own house. Can't say for sure when, but it is a good while since he paid me. I gave him a receipt therefor at the time of such payment. The one living at Danesville paid me, I think, since the election.

Don't recollect giving John Kelley one of the committee receipts for State or county tax for 1876. He is marked paid on my duplicate. Think he lives at Colorado. If he did not get such committee receipt, can't say whether he paid me before or since the election. I think his wife paid me the tax at his house. There are two John Kelleys on my

duplicate. I can only find one of them. There is but one Thomas Kelly upon my duplicate. There are two James Kelleys on my duplicate. This James Kelley lives at No. 3. I do not know that he got one of the county committee receipts for State or county tax for 1876. He is marked paid upon my duplicate. If he did not get a committee receipt, I think he paid me since the election.

John Leonard has paid me his State or county tax for 1876. Don't know when he paid me, whether it was before or after election; I can't say. He lives at Connor's Patch. I think he is a laborer at the mines. He is marked paid upon my duplicate. Don't know how long before the election he paid me, or whether it was before or after the election. I am not sure whether he paid me or not. I know I marked him paid. I would not have marked him paid unless I thought I was paid. I would not mark parties "paid" under promise to pay. I only mark "paid" on the promise of the committee.

John Lynch's taxes, State or county tax, for 1876 are marked paid in my duplicate. Can't say whether he received a committee receipt or not, for sure. He lives somewhere around Loss Creek. I have only one John Lynch on my tax-book, I think. Patrick Lanahan received, I think, a county committee receipt for State or county taxes for 1876. He lives at Colorado. I think Michael Mack got one of those county committee State or county tax receipts for 1876. He lives at Raven Run.

I do not think Darby McGraff got one of the county committee State or county tax receipts for 1876; he might have received one; I am not sure, as I gave some of these receipts to others to distribute. He lives at Raven Run. I gave some of these county committee receipts to Thomas McLaughlin; think I gave some to Anthony Coyle. I don't remember who else, just now, to whom I may have given them.

William McLaughlin's name is not upon my duplicate. I know him. He lives at Raven Run. I think Redmond McGrath got one of the county committee State or county tax-receipts for 1876. I know that there was one filled out for him, but don't know whether he got it or not; think he used to board at Connor's Patch, or thereabouts. I do not remember that John Mottz got one of the committee receipts, State or county tax, for 1876. I know that his tax is marked paid. He paid me his tax. I think he paid it to me pretty early; can't say whether he paid me before I got the committee receipts. I don't remember all those things now. I mean by committee receipts the receipts I had before the county committee. Peter Mottz is not assessed, and his name is not upon my duplicate. He lives in Raven Run; so does John Mottz. Peter Mottz has not paid me any tax. Bryan McAvoy got one of those county committee receipts, State or county tax, for 1876. He lives at Raven Run.

Michael McGuire, I think, (but I am not sure,) got one of those county committee receipts for State or county tax for 1876. I know he came to me before the election—a few days—for one. He is a young man, and may have voted on age. I find his name marked "paid" on my duplicate for 1876. I don't know whether or not I gave John McGra a committee receipt for State or county tax for 1876. If he did not get such receipt, then his State or county taxes for 1876 are not paid. He lives at Colorado.

Michael Manley got one of the county committee State or county tax-receipts for 1876. He lives at Loss Creek. I think Edward Manley got one of those receipts too. He lives at Danesville. I think Edward Malooney also got one of the same kind of receipts at the time he lived

at Danesville. Patrick McDonnell's name is not upon my tax duplicate for 1876. I mind giving him one of the committee State or county tax-receipts for 1876. He lives at Connor's Patch. I don't remember giving Lawrence Murphy any committee receipt. He lives at Loss Creek. He is not marked paid upon my duplicate. Patrick McLaughlin's name is not upon my duplicate. He is a young man. Lives at Raven Run. James Murphy received, I think, one of those committee receipts for taxes, State or county tax, 1876. He lives at Danesville. He is marked paid upon my duplicate. Patrick McGrath is not marked paid on my duplicate. Can't say whether or not he received one of those committee tax-receipts, State or county, for 1876. On my duplicate it is spelled Patrick McGarth. He lives at Connor's Patch.

Thomas McLaughlin got one of the county committee's State or county tax-receipts for 1876. He resides at Raven Run. There are two Thomas McLaughlins living at Raven Run. Am not certain whether both of them got those receipts for taxes, State or county, for 1876. One of them is a member of the county Democratic standing committee. I think it was the member of the standing committee who received the committee tax-receipt for State or county tax for 1876. Neither of these McLaughlin's names are upon my duplicate. One of them is known as Thomas B. McLaughlin. I think he is the one who was the member of the standing committee.

Anthony McIntyre got one of the county committee's State or county tax-receipts for 1876. Thomas Murphy, I think, but am not sure, got one of the county committee's State or county tax-receipts for 1876. Don't know where he lives. He did board down about Loss Creek. James McGrane is a man I don't know anything about. His name is on my book. His taxes are not paid. I did not give him any receipt for State or county tax for 1876. There are a number on my duplicate that have left.

John Maloy—there are two of this name on my duplicate, both spelled the same way. I don't mind giving them—either of them—any receipt for any taxes, State or county, for 1876. They are not paid. I don't know a James Maloy or James Maley. The name of James Maloy is upon my duplicate for 1876. His taxes for 1876 are not paid. Patrick Maloy's name is on my duplicate. I don't know him. His taxes are not paid. I know but one Maloy, but do not know his first name. I never knew him personally. Heard of him as I was going through William Penn Village. I could not find them. These Maloys' names were upon my duplicate as furnished me by the county, that's all I know about them.

Thomas McDermott's taxes are not paid for 1876; that is, State or county. He lives at Raven Run. John Moran, I think, was away from home at the time of election. I don't mind giving him any receipt. He paid me no taxes for 1876. John McAndrew did not, to my knowledge, receive any county committee receipt for State or county tax for 1876. His taxes are not pa'd. I have him marked "left" upon my duplicate. I knew a man of that name who lived at Danesville. I think Patrick Munley received from me one of these county committee State or county tax for 1876 receipts. He resided at Danesville. I also gave John McDonald one of the same kind of committee receipts for State or county taxes for 1876. He lives at Danesville. Terrence McGuire also received from me one of the county committee State or county tax 1876 receipts; resides at Danesville. Don't remember whether or not I gave one to Anthony Miles. He lives at No. 3. Don't know whether or not I gave one to Patrick Miles. I can't find his name upon my duplicate

for 1876. I think he resides at No. 3; I know that he did live there once. John Miles's name is not upon my duplicate; I do not know him.

James Monahan has one of the county committee receipts, county or State tax, for 1876; got it from me. He lives at Loss Creek. Patrick Monahan also has one of the committee receipts for 1876. Is marked "paid" on my book; lives at Danesville. Don't remember giving William McCabe any committee receipt. He has not paid. He told me he was assessed in Butler Township; don't know where he lives. He works at the Loss Creek store; know that he worked there for past four or five months. I know of only one James Murphy. Patrick Mooney, I think, got a county committee receipt for State or county taxes for 1876 from me; lives at Connor's Patch.

Michael Melarkey got a county committee receipt from me for State or county tax for 1876. He lives at Conner's Patch. I think I gave John Nash a county committee receipt for State or county taxes for 1876; am not sure; I think so. He lives at Raven Run. I gave Michael Noon a county committee State or county tax receipt for 1876. He lives at Danesville. Patrick Noon also received a county committee receipt from me of the same kind for 1876; lives at Danesville. James Nolan, I do not remember of having given a committee receipt to. He resides at Colorado. I gave Michael Noon one of the county committee receipts for State or county tax for 1876. He resides at Loss Creek. I don't know whether or not I gave a county committee receipt to William Noon for taxes for 1876, but think I did; resides at Danesville.

Patrick Nolan I do not know; his name is not upon my duplicate. There are two James Nolans upon my duplicate. I know but one; his tax is not paid. Michael O'Boyle has paid his State and county tax for 1876; paid before the election. Think he paid me about the first time I went around to collect tax; that was in September or October, I think. He lives up at No. 3. Michael O'Donnell has paid me his State or county tax for 1876. I think I gave him one of the committee receipts. He lives at Loss Creek store. Anthony O'Donnell, I don't know whether I gave a committee receipt or not. He is not marked paid on my duplicate; can't tell whether it is paid or not. He lives at Loss Creek. Michael O'Niell's tax, State or county, for 1876 is paid. He received a county committee receipt. He resides at the Loss Creek store. Neill O'Donnell received a county committee receipt from me for State or county taxes for 1876, I think. Don't exactly know, but think he lives at William Penn. I gave one of the county committee receipts, State or county, for 1876 to Hugh O'Niell. I don't know where he lives. I am not sure whether I gave him such receipt or not.

Michael O'Malley received a committee receipt from me for taxes for 1876. He lives in Trackville, perhaps. I have three such names on my duplicate. Two live in Danesville; the other I don't know where. I do not know him; that is, the other. I can only find two. I gave a committee receipt to one of them. The other paid his tax some time since the election, I think. There are two Michael O'Boyles. I gave this one a committee receipt for taxes for 1876. It is marked "paid" upon my duplicate. He lives at Loss Creek. The other Michael O'Boyle lives at No. 3, as stated in my testimony above.

John Purcell has paid no taxes for 1876; lives in Raven Run. Edward Purcell paid no tax for 1876; don't remember giving him a committee receipt for State or county taxes for 1876. He resides at Raven Run. Nicholas Purcell has paid no tax for 1876; don't remember giving him a receipt. Think I gave John Pearce a committee receipt for State or county taxes for 1876; lives at Connor's Patch. Harry

Rock has paid no taxes for 1876; not on the duplicate. Harry Buck is not on the duplicate, but I think I gave him a committee receipt for taxes for 1876. He used to live at Wm. Penn, and may do so now. William Ross has paid no tax for 1876; lives at Raven Run.

Thomas Smith paid me taxes for 1876, county and State; paid me since the election. He holds no committee receipt. He lives at Raven Run. William Smith, I am not sure as to whether I gave him a committee receipt for 1876 taxes, State and county. He lives in Raven Run. Can't say whether or not I gave Charles Smith a committee receipt for State or county taxes for 1876. He has paid me no taxes; not sure whether I gave him a receipt or not. Think I gave Patrick Tobin a county committee receipt for State and county taxes for 1876. He lives at Raven Run. Did not give Dennis Tracey a committee receipt for taxes for 1876. He did live at Raven Run, but he is now away. I gave John Welsh a county committee receipt for State or county taxes for 1876. He lives at Connor's Patch, I think. Gave no receipt to Thomas Welsh for taxes for 1876, State or county; his taxes for 1876 not paid. I can't give any other names now to whom I gave county committee receipts for State or county tax for 1876. I had given a number of receipts to others, and I don't know how many they gave out; can't tell how many of the tax-receipts I had left of the whole number; think I had some left, but can't say how many; can't say where they are. Some may be in the house and some may be lost.

I have no memoranda of the names of parties whose tax-receipts I had before the committee; can only speak now from my memory. My instructions from the committee were to hand none of these receipts to any who had paid taxes within two years; and, to the best of my ability, I carried out these instructions. All parties whom I furnished with these committee receipts declared that they had not paid any State or county tax within two years. This was the condition upon which I received these receipts, and also upon which I disposed of them. I had one hundred and thirty-six to one hundred and forty receipts which I got from the county committee. I got none back of those that I gave to other parties to deliver. I always thought that I delivered personally and through others about one-half of the number I received from the county committee; (that is, one-half of the one hundred and thirty-six to one hundred and forty.) These receipts were signed by me as collector. I can't now give any account of what became of the balance of receipts.

Cross examined:

The incumbent, reserving unto himself the benefits of any and all exceptions and objections that may be taken or made to any or all of the witnesses of the foregoing testimony, proceeds by his counsel to cross-examine:

Q. Did the persons to whom you personally delivered these receipts accept them without making any objection as to the right of any other persons to pay their taxes, or the manner in which you had been paid for the receipts?—A. Yes, sir. That was the condition upon which they took them from me; they made no objections. I have lived in the place or territory where I now live for nearly thirteen years, in the place or territory which now comprises West Mahanoy Township. I was at the polls upon the day of election.

Q. Was there any person not residing in your election-district who called upon you on the day of the election at the polls and consulted you concerning these tax-receipts?—A. Yes, sir. I remember Mr. Mon-

ahan on the morning of the election at the polls. It was Martin Monahan, of Ashland; no one with him from outside of the township. He talked to me, and wished I would do what I could for the party that he wished to vote for. That party he said was the Republican party. He told me to get as many as I could of those men, to whom I was to give those receipts to vote for his party, and he would see me paid for it. He did not ask me to give up any of the receipts to him, but he wanted me to give them to the party that would vote for the party that he worked for.

Q. State whether he asked you how much money it would take to pay for the receipts, or whether he offered you any amount of money to dispose of these receipts in the way that he wished to have them disposed of?—A. Yes, sir. He asked me how much it would take to pay for those receipts, and I said it would take about $175. He said he thought $150 would be able to pay for it, and I said no. To finish the whole matter he offered me $100 for my own trouble and $150 to pay for the tax-receipts. I may as well tell the whole matter at once; it's the truth. He said nothing concerning my going away from the polls. I got no $100 for myself and no $150 for the tax-receipts. I refused his offer. When he spoke to me about working for the party that he wished me to work for he named particular candidates of that party. The candidates he named were Nutting, Torbert, Morgan, and some others that I do not now remember. He said nothing to me as to where he was to get the money that he proposed to give me. It was before 9 o'clock, at the polls. The conversation was private. It was a few days before the election that he made this offer of $100 for myself and $150 for the tax-receipts.

On the day of the election, when he came out, he told me to get the fellows to work for him all I could and he would see me all right in what he promised me. Of course he referred to the discourse we had before; that is, if I did what he wanted me to, he would see me all right. That is, that he would see me paid that money, the $100 for my own trouble and the $150 for the tax-receipts. I have been seen by persons outside of my township about these tax-receipts since the election. Mr. Martin Monahan was twice to see me about them since the election. The first time after the election he saw me at my work. After my day's work he saw me at my own house. It was about 6 o'clock. This was about two or three weeks after the election; something about that; I don't remember exactly. When he saw me at the house that evening he told me to make out a list of these names that I gave out receipts for. I went to work to make out the list. I told him I did not think the list was right, because I got some of those names from other people, and some I took myself. I thought I did not make out that many receipts. He said he did not care, that I could take as many as I liked, and he would take the list and see me paid for them. I think he figured it up and said it would take $164 and some odd cents—$164 or $184, I don't know which.

After I had part of this list drawn it struck me that there was a trick in it, and I had a notion to stop. There was nothing said to me at this time by Mr. Monahan about there being a contest between Mr. Nutting and Mr. Reilly. Mr. Monahan took this list away with him at this time. The next time I saw him was in Ashland, a week or two weeks after, when I happened in on business; said nothing about tl is, only that he would see the thing all right. After that, saw him at my house again. That was on last Sunday night. He told me that I should go to Pottsville in the late train on Monday last; that I was wanted down there.

I went down last Monday in the afternoon train. I arrived there at about half past two o'clock in the afternoon. I met Mr. Monahan at the foot of Mahanoy Plane, and we went down in the train together. I did not understand where he was taking me; did not ask him any questions about it—nothing more than the night before. From what he said the night before, I understood that he meant this money affair that he had been all the time talking about. After we got to Pottsville we went to the Merchants' Hotel. Nothing happened there about the receipts. That night, about 9 o'clock, he asked me up-town as far as Mr. Sigfried's. I did not exactly know where I was going to; I went there. Mr. Monahan told me it was at Mr. Sigfried's that he wanted me; I don't know what house he took me to. As far as I now know, it was at the house of Mr. William R. Smith where I was. Mr. Monahan went there with me. I met Mr. Smith there, and afterward Mr. Sigfried came there.

Mr. Monahan was there and I was there; and that was all I mind of. Nothing was said there about the tax-receipts, any more than I saw a list of the names, which I understood was a copy of that which Mr. Monahan had when he left my house; it seemed to me it was a copy of it. There may some words have passed about the tax-receipts, but which I have forgotten. Nothing was said there about paying me for the tax-receipts, that I remember, any more than Mr. Monahan was talking about it after we left there, as he always did. I think, after leaving there, Mr. Monahan said he would get it fixed in about two weeks. I did not pay much attention to it; I expected there was a trick in it. I don't mind that he said anything there about the amount. He may, but I don't mind it. I think it was eleven o'clock, or after, that night when we left Mr. Smith's house. It was pretty late, I know; it was something about nine o'clock when we went there. There was nothing of any account there in the conversation from nine to eleven o'clock; nothing, only that list. There was no conversation there that I mind of, respecting any friend or friends of mine in prison that I wanted to get out, or about getting a pardon for them.

Mr. Monahan did not there, that I mind of, say anything to me about any friend of mine in prison. He told me that he would work all the interest that he could for my friend, and he mentioned John Deane; and that he thought he had friends enough to back him to get them out of prison; that is, if I would do a favor for him. As far as I understood, the favor he wanted me to do for him was to stick to him in this case.

This was told me at my own house last Sunday night, the time when he asked me to go down to Pottsville on the Monday. As far as I could understand, he had the influence to and would get them out with a pardon, or something like that. He told me beside my friend, John Deane, that he named. John Deane lived in West Mahanoy Township before he became imprisoned. This friend of mine that he talked about also lived in West Mahanoy Township. I have a friend in prison in Pottsville beside Mr. Deane. I don't know that there is now a petition out for the pardon of Mr. Deane. I heard some time ago that there was. I heard nothing from Mr. Smith, or Mr. Sigfried, about the payment of the money; but Mr. Monahan talked about it afterward—as he always had done. From my understanding of it, I thought it was a trick; but Mr. Monahan talked about fixing it, as he always had done before.

Q. What was your friend convicted of, and what was Deane convicted of?

(Objected to by W. R. Smith, esq., counsel for contestant, that, if con-

victed of anything, the records of the court will show, and is the best evidence.)

A. As far as I understand about my friend, he was convicted of an assault and battery with intent to kill. Of Mr. Deane, I heard it was for some wrong statement, perjury, or something like that. I have heard that there is another charge against my friend that has not been tried. Mr. Monahan allowed that they could form a good jury and get my friend free, or something like that. He did not tell me before we went to Pottsville who wanted me there. He told me that it was on the head of that money that he wanted me to go down, and that he wanted to go with me to the prison to see a friend. When we got down he told me that he and I should go to Mr. Sigfried's that night; I think I understood him in that way; I understood that night from Mr. Monahan that I was to be subpœnaed in this case; understood it in the house or after coming out; could not say which. That Monday night I had not been subpœnaed as a witness, and not before Wednesday morning. That Monday night in Pottsville I staid at the Merchants' Hotel. I was wakened in the morning by Mr. Monahan, at five o'clock, I think. He said he wanted me to go home in the early train, which I understood left Pottsville between six and seven o'clock in the morning. I did not pay my bill that morning at the Merchants' Hotel. I went to see about my bill, but Mr. Monahan said it was all right. I made no objections; I allowed that it wouldn't make much difference. He told me it was all right and I didn't bother about it any more. I don't mind of anything more passing about that. I think Mr. Monahan said that it was not costing him anything, and that it did not come out of his money. He (Monahan) said it would not cost me anything.

Q. Did Mr. Monahan say anything to you about his making any money out of this contest?—A. He did not say anything about himself making any money, but that his son would make $4,000 or $5,000 out of it, and that would be a good start for him. He meant his own son. He allowed it was Ed., the attorney. I did not go home in the early train on Tuesday morning. I went up as far as Mr. Murray's, told Mr. Monahan I had some business to attend to and couldn't go home on that train. I went up to the court-house. I turned back and went to Mr. Reilly's office. This was on Tuesday morning last. Mr. Reilly was not in his office when I went there. I understood Mr. Nash was there, and some other man that I did not know. I remember my sitting in the office there when the other man came in, and of Mr. Nash opening the middle door, calling the other man in, and introducing me to him. I think he gave the name as Mr. Matz. I told them I had been up at some house the night before, I didn't know whether it was Mr. Smith's or Mr. Sigfried's. I think Mr. Matz was sitting there in the chair when I told that. My principal idea for waiting that morning was that Mr. Monahan was leading me into trouble. My suspicion was that way. I thought I would stop and see Mr. Reilly and tell him about it. I may be wrong, but I took it so. I told some part of this to Mr. Nash and Mr. Matz before Mr. Reilly came in, and I told them that I wanted to see Mr. Reilly about it. Mr. Reilly came into the office before I left. I then told him something about it. I then went home in the late train. I went up to the court-house, but not to the prison, before I left town. The friend referred to is a brother of mine; his first name is Dennis.

Re-examined by W. S.:

When I was at Mr. Smith's house in Pottsville, Mr. Monahan, Mr Sigfried, Mr. Smith and myself were all together in one room while

there. There could have been no conversation between any of us, or any two, without all hearing it. We spent nearly the whole evening going over that list, and asking me whether I had delivered tax-receipts to the parties named in the list. We went over each name in regular order upon the list. About as near as I could go, I gave the same answers then as I have given here to-day. I could not go as near then as to-day because I had not my duplicate with me. I was not asked by any one present to say anything but the truth.

JOHN DONNELLY.

Sworn and subscribed before me this 18th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to to-morrow morning, January 19, 1877, at nine o'clock.

JANUARY 19, 1877.

JAMES DONALDSON sworn.

I was the judge of the election of West Mahanoy Township at the election 7 of last November. I had the registry with me in the election-room. I mean the registry of voters furnished by the county commissioners. John M. Price, the assessor, had it with me in the room. We all had it there to look at it, in the election-room. (Witness shown registry of voters.) I can't exactly swear that this is the book; it looks like it. When a man voted it was marked down in a little book we had a purpose, and his vote was numbered in this book, and the ballot was numbered, too. (Witness shown book marked "No. 1.") This was the book I referred to. (The book is labeled "List of Voters.") We did not mark the letter V to the names of persons on the registry as they voted; When a voter presented himself to vote, we looked upon the registry for his name. We did this for some who voted, and for some also who voted we did not. Those that we did not, some of the board could vouch for, that they were citizens of the township. Neither myself nor any of the board of election-officers marked it in this registry-book as the persons voted. Neither nor any of the election-officers added the name or names of any unregistered voters to this registry-list that day.

I don't think any voted that day whose names were not upon the registry-list. I cannot tell exactly, because we did not always examine the list.

Cross-examined by Jno. A. Nash, esq., counsel for incumbent:

I cannot swear positively that this is the registry-book that we used in the election-room. Jno. M. Price, the assessor, was in the room; he had the registry at times. I believe, but am not positive, that John M. Price voted the Republican ticket. As near as I can tell he is like myself, he moves up and down. I was a Cooper man this time. He is the assessor, I believe, and made the registration of voters. Sometimes I vote the Democratic ticket and sometimes I voted the Republican ticket, according to the men that suited me.

Q. Did you vote for Colonel Nutting as Representative from this thirteenth Congressional district, at the late election?

(Objected to by W. R. Smith, esq., counsel for contestant, that as it has not been shown that witness is not a qualified voter in the district, and as it is not alleged that he is not a qualified voter, he cannot be asked for whom he voted.)

Mr. Nash, counsel for incumbent, explains the object of the question to be as follows: The witness, being produced by the contestant, can be

cross-examined as to the fact of his voting for Colonel Nutting so as to affect his credibility as a witness.

A. Yes—put it down—I voted for him. All persons who voted at the last November election were either upon the registry-list or were vouched for by some of the officers of the election as being electors.

Re-examined:

Q. What do you mean by being vouched for?—A. When a man presents himself at the window to vote, either I know him or some of the board know him to be a citizen of the township; and at the last election when a voter presented himself whom we knew to be a citizen of the township, we did not examine the registry-list. In all cases where the board did not know the party voting, we referred to the registry-list.

Recross-examined:

The election-officers, at the election held in November, 1876, were James Donaldson, judge; Jno. Jarvis, inspector; Austin Bradshaw, inspector; Peter W. Kiefaber, clerk; and the other clerk's name is Patrick Noon, I think.

JAMES DONALDSON.

Sworn and subscribed before me this 19th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN JARVIS sworn.

I was one of the inspectors at the last election held in West Mahanoy Township. I was the minority inspector. We had before us the registry-list furnished by the commissioners of the county. [Witness shown book marked "Registry of voters for West Mahanoy Township."] This seems to be the same book we had before us; I could not swear positively that it is. We did not mark the letter "V" on the registry-list opposite to the names of the persons that voted, as they voted. We did not always examine the registry when persons that voted presented themselves to vote. I could not tell how many persons voted at the last November election whose names were not upon the registry-list. We did not add any names of persons unregistered who voted that day.

Cross-examined:

I was the minority inspector; you may call it what you've a mind. I can't answer how I am the minority inspector. I was the minority inspector, because Donaldson, the judge, was a Republican, and as Bradshaw, the inspector, was conceded by the board, was next in authority to the judge, and was a Democrat. Witness was a Republican, and therefore think I was the minority inspector.

Q. Did you vote the Republican ticket, including Colonel Nutting?

(Objected to by W. R. Smith, esq., counsel for contestant, that as the witness is a qualified voter he cannot be obliged to state how he voted.)

A. I don't feel inclined to answer that question.

Q. Did you vote for Colonel Nutting for Representative to the Forty-fifth Congress from the thirteenth Congressional district, at the late election?—this for the purpose of showing the feeling of which witness testifies.

(Objected to as above.)

A. I decline to answer that question. I have declined it twice.

Q. How did you know when a person presented himself to vote that his name was not on the registry-list, and was entitled to vote?—A. If we did not know him satisfactorily, we would examine the registry-list.

Q. Did you keep a list that day of the names of persons who voted, and whose names did not appear upon the registry-list?—A. I did not. Nobody else did, that I know of. I am satisfied that we had difficulty about the votes of two or three persons, but whether they voted or not I can not tell. I told the clerk, Kiefaber, to note that down, and he did so. I do not know of any persons voting at the election of November, 1876, whose names did not appear upon the registry-list of voters, with the exception of two or three, whom I cannot tell whether they voted or not, and which I have previously mentioned. We kept a list of all persons who voted at the election of November 7, 1876. (List of voters, marked "No. 1," shown witness.) This is the list. This is Kiefaber's list.

JOHN JARVIS.

Sworn and subscribed before me this 19th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN MOTT sworn.

I live on Raven Run, West Mahanoy Township. I have lived there about eight years. I have my naturalization-paper. I voted at Loss Creek at the last November election. I have paid State and county tax within two years past.

(Witness produces tax-receipt for State, county, building, and school tax for the year 1876, dated November 14, 1876, signed John Donnelly.)

I got this receipt from John Donnelly, the collector. I got exempted down to 28 cents by the county commissioners through the asssessor, Jno. M. Price, on the ground that I was not fit to pay tax. Jno. M. Price had that done last year, late in the fall, at the time when he was making the assessment. He had the book under his arm when he came into my house.

(Witness produces receipt, dated December 18, 1874, for county and road tax for the year 1874, signed by John Cochlin, collector.)

I got this from Cochlin. The receipt is for county tax, $0.75, and road tax, $1.20. I can't tell what time of the year I paid this. It was paid not long after the time when it was to be paid. I can't tell how long before the election it was when I paid him this tax. These two receipts show all the State and county tax that I have paid in two years. I now say that I had a tax-receipt from John Deane, for the year 1875; but that is lost. I believe it was about 70 cents. I gave Deane the money in my house. I forget now what sort of tax it was—whether it was State or road or what it was.

Cross-examined:

I paid the tax at the time the receipt is dated, in 1874, when I got a full receipt; it was full paid in 1874. Can't tell whether it was after the election or not. The receipt will show when the tax was paid. I paid Deane tax in 1875. I pay my taxes regularly every year since 25 years. I believe it was Toney Carey who came around to collect the tax again from me; Deane was in jail. I had paid him and would not pay again. I could not show Deane's receipt; I couldn't find it. I had lost it, but I could swear I paid it.

Re-examined:

I now say I only paid taxes for 24 years—something about that. I believe it was 1851 or 1852 when I came to this country—about that. I say I was assessed for taxes in 1875. I don't know whether my name

was on the registry of voters for 1876. When I voted last November I was asked no questions except for my tax-receipt. I made no oath that I lived in the township. When I voted, I showed the tax receipt for $1.28, signed by John Donnelly, collector, for 1876, and I think I showed also the one dated December 15, 1875, for road tax, signed by John Bell, collector.

Recross-examined:

I did not have the 1874 receipt there. It would be no good. It was too old. I am a housekeeper. I live in Raven Run. I am a miner. I work at it now. I worked for Ormrod & Co. When I work now, I work as a miner. I have a son who works as a miner. When I work, I work with him. What we make goes into the one pocket. I do not know any John Martz in that election district or township. I know no John Martz living in Raven Run. There was a Charley Martz living there, but he long since moved away.

Re redirect:

I got the receipt from John Donnelly when I paid him the money. I can swear that I got this receipt before the election, a week or so before; at any rate I got it before the election.

JOHN MOOTZ.

Sworn and subscribed to before me this 19th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to quarter past one o'clock.

AUSTIN BRADSHAW sworn:

I was one of the inspectors of the West Mahanoy Township election-district last November. We had the registry of voters for West Mahanoy Township, as furnished by the county commissioners, at the polls on election-day.

(Witness shown book marked "Registry of voters," West Mahanoy Township, for 1876.)

To the best of my knowledge this is the book. I did not examine this book when persons offered to vote. John M. Price, the assessor, was there; he said the majority of them that came to vote was all right. The balance that were not registered or that did not show tax-receipts were sworn. Mr. Price always turned to the book. To the best of my knowledge he turned to the book every time when a man wished to vote. When a man not on this list offered to vote we questioned the man, after swearing him, as to when he came into the township. I can't say that the judge swore those having tax-receipts but whose names were not upon the registry-list. Those who had no tax-receipts the judge swore. In swearing them he called them into the room and asked them whether they had paid tax inside of two years. They did not produce any witnesses, so far as I know of, to prove that they lived in the township. In this swearing there were affidavits filled out for them, but no papers, as I know of, filled up for witnesses. I can't say whether any of the election-officers or Mr. Price marked the letter "V" on the registry opposite the names of the persons who voted. I voted at that election. I am a naturalized citizen. I have not my papers with me. I came to this country early in the spring of 1863. I think it was in April. I can't tell in what year I was born. I can't tell exactly how old I was when I came to this country.

Question. What year were you born in, and where were you born?

(Objected to by J. A. Nash, esq., counsel for incumbent, because, 1st. It's a cross-examination of their own witness, they having proven that he was naturalized and had naturalization papers, and cannot cross-examine to impeach or contradict it. 2d. Having proven that the naturalization certificate was granted him, it is conclusive evidence as to them of his citizenship, which they cannnot go behind. 3d. Because, on request, they declined to state the object of the question.

Counsel for contestant states that he cannot be required to state the object, and that we are not concluded by any answers the witnesses may give.)

Answer. I was born in the county of Mayo, Ireland; I can't say in what year. I can't begin to tell how old I was when I came to this country. I can't tell within a year or two; I suppose I can tell within five years. I was between 17 and 21 anyhow. I did not come right to Schuylkill County; I came to Schuylkill County in 1865. I came to Connor's Patch, in West Mahanoy Township, and have been there ever since. I got my papers at Pottsville, in this county; James O'Donnell was my witness; I suppose he then lived in Wadesville; I suppose he lives there now; it wasn't long after I came into this country that I first became acquainted with James O'Donnell. I think I got my paper in 1868; I first became acquainted with James O'Donnell where he lives now; I didn't know him before I came to this county. I am 32 years old now, and more, maybe; I can't tell how much more I may be, but I am sure I I am 32. My two legs brought me to James O'Donnell's when I first went there; I can't tell who went with me when I first went to James O'Donnell's. I told you that I came to this country in 1865; that I got my naturalization papers in 1868; that I got to know James O'Donnell when I came to this county.

Cross-examined:

I mean I came to this county in 1865, when I say I came here in 1865. I don't know how long O'Donnell knew me; I knew him in 1865; O'Donnell may have known me before 1865, in fact, from my cradle; I lived in Connor's Patch when O'Donnell lived in Wadesville. To the best of my knowledge, this is the registry-book used. I cannot swear positively that anybody voted that day whose name was not upon the list of voters. There was a list of voters kept on the day of election of those who voted last fall. I do not know that a man by the name of John Martz voted that day; I don't know a man in the township by the name of John Martz or any name similar to it; I know a man by the name of John Mottz; he voted at the last election. I was here a while while the previous witness was being examined. His name was John Mottz, and he it is who I have reference to as having voted at the last election.

Recross-examined:

Q. Who did you vote for for Congress at the last election?

(Objected to by counsel for incumbent, because, 1st. It is not the best evidence that can be procured. 2d. It is irrelevant and immaterial, because the vote has not been proven to have been illegally cast.

Counsel for contestant insists upon an answer because by the testimony of the witness it appears that if he has naturalization papers that they were obtained by deception and perjury, and therefore not a qualified voter.)

A. I decline to answer. I don't know why I decline to answer. I decline for nothing at all. I voted No. 17 on the list of voters; that is, No. 17 is my name on the list.

(Book marked "Registry of voters for West Mahanoy Township for 1876," and marked "Exhibit No. 2," offered in evidence.

This is objected to by counsel for incumbent: 1st. Because it is not sufficiently identified. 2d. That it is not the best evidence, and is but a copy of evidence from the commissioners' office at Pottsville, the registry at Pottsville being the original.)

AUSTIN BRADSHAW.

Sworn and subscribed to before me this 19th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES NOLAN sworn:

I reside in West Mahanoy Township. Lived where I now live something over nine years; it may be more, but I can't say. I voted at the last election. I was born in Ireland. Don't know what year I was born in. Was too young to remember when I came to the country. I wouldn't swear as to how old I am now. I won't swear to what year. I am over 30. I may be a few years over 30, according to my own judgment. I wouldn't swear that I am or that I am not 34. What I ain't positive, I won't swear to. I won't swear positively that I am 32 or that I am over 32; I may be more and may be less than 32. I can swear that I am between 30 and 40, and that's the nearest I can come to. I won't swear that I am not over 35. I don't know whether I am older than 35. To the best of my knowledge, I will swear that I am about 32 years of age. From what my parents told me, I might have been about two years old when I came to this country. My father's name was John Nolan.

(Witness produces copy of naturalization paper dated August 15, 1872, certified to by Wm. J. Matz, prothonotary, which recites that one John Noland, native of Ireland, declared his intentions to become a citizen on the 29th day of July, 1844, and that a certificate of naturalization issued out of the court of common pleas of Schuylkill County to said John Noland on the 3d day of March, 1851.)

I voted at the last November election upon this paper, claiming the right to vote by virtue thereof. I produced my tax-receipts at the election; I voted on the 1875 tax-receipt.

(Witness produces receipt for county tax, amount $1.25, for 1875, dated December 14, 1875, signed John Deane, collector.)

My wife paid that tax; when I came home in the evening she told me that John Deane had been there and had demanded the tax, and it's not likely that John Deane would have given her the tax-receipt if she had not given him the money. Some time after that Toney or Anthony Cary came around and asked me if I had John Deane's tax-receipt, and I showed him the receipt. I think it was after John Deane was in prison that Anthony or Toney Carey came to me about the tax-receipt. To the best of my knowledge this was five months, or may be more, before the election. I paid my State and county tax for 1874 on September 30, 1874. I did not see John Deane place his signature to this receipt.

Cross-examined:

I don't know that it is not his signature. When I came home in the evening my wife told me that John Deane had been there and that she had paid him the taxes. I did not see the receipt the same night that I know of. When I came to vote in 1875 I saw it, and may have seen it

before then; I have had it ever since. It was on this tax-receipt that I voted at the last election. My wife generally pays my taxes.

Redirect:

The 1876 taxes were not paid before the last election; I voted on the 1875 taxes. I couldn't say that I voted in 1875 on this tax-receipt of John Deane's dated December 14, 1875.

Q. For whom did you vote for Congress at the election in November last?

(Mr. Hollopeter, counsel for incumbent, here instructs the witness that he need not answer this question, if he don't wish to. Question also objected to by Mr. Hollopeter, counsel for the incumbent, because: 1st. That the witness has not been proven to have been an illegal voter, therefore the question is irrevelant and immaterial. 2d. It is not the best evidence that can be brought to affect the title of the incumbent to the office.

Mr. Smith, counsel for contestant, insists upon the answer of the witness to the question, because: 1st. The witness's testimony proves that he is a foreign-born citizen, and that it appears nowhere that he has been naturalized, and that, 2d. He also swears that he voted upon the naturalization-papers of one John Nolan, and does not pretend that they are his papers, and therefore that he is not a qualified voter. 3d. He has not proved that he has paid a State or county tax within two years preceding the day of last election, and therefore that he is not a qualified voter.

Mr. Hollopeter, counsel for incumbent, tells the witness again that, following the example of Mr. Smith, attorney for contestant, who on a previous occasion, in examining John Jarvis, a witness produced by the contestant, that he need or not answer the question, he so informs this witness that he need or need not answer this question—as to whom he voted for.)

A. I will answer the question by proving me an illegal voter. I never had any naturalization-papers issued by any court to myself, and never applied to any court to be naturalized.

Q. Do you refuse to tell us here how you voted for Congress at the last November election, as the testimony now stands before the commissioner?—A. Not if it's lawful.

Q. Who do you want to decide whether it is lawful or not?—A. I mean all you gentlemen that are here for looking after that business. To the best of my knowledge, I came over into this country with my father. To the best of my knowledge, my father was born in Ireland.

Recross-examined:

I had this naturalization-paper at the election last November. It is a copy of my father's naturalization-paper. I got this copy at the Pottsville court-house. I got it for the purpose of saving me the trouble of taking an oath. I have seen part of my father's original papers. They were pretty well torn up. Because they were torn up, I went and got a copy of them.

Re-examined:

Q. How do you know this is a copy of your father's papers?—A. Because I asked the authorites at court for a copy of my father's papers. If they made a mistake it is not my fault. This is what they gave to me for a copy. If I could read and write, I might be able to tell myself.

Recross-examined:

I know my father is dead, over 15 years ago, and would not swear

that he is not more. I saw the original papers of my father at home. My father died at a place called Heckscherville about 15 years ago. It may be more than that; I couldn't say.

Re-examined:

I judged that the papers I saw were my father's naturalization-papers. As I can't read and write, I can't tell whether they were his papers or not, any more they were rolled upon a stick, as my father was in the habit of keeping all his papers rolled upon a stick.

Recross-examined:

My father's name was John Nolan, spelled the same as I do. I have seen him leave the house to go to an election, but never saw him vote. Couldn't swear, to my knowledge, that he ever took the paper with him that I refer to as being rolled upon a stick.

Q. For whom did you vote for Congress at the election in November last?—A. I will answer the question if my vote is proven illegal.

(The commissioner here states to the witness that he has not the power to decide whether his vote is illegal or not, but, in his opinion, he, Nolan, should answer the question.)

A. Well, I voted for James B. Reilly.

his
JAMES + NOLAN.
mark.

Sworn and subscribed to before me this 19th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK FLANNERY sworn.

I live in West Mahanoy Township. Have lived where I live now, or thereabouts, about 12 years. I voted at the last election. I was born in Ireland. My father stated to me on the day I parted with him in Ireland that I was 19 years of age, or going on that. (Witness produces naturalization-paper.) Last one I got, (dated September 8, 1868; issued by the court of common pleas of Schuylkill County to Patrick Flannery.) This is my paper. I know Andrew Deane, who was my witness. Don't know where he lives now. I think he lives in Northumberland County.

(The paper in question is a minority paper.)

I have paid State or county tax within two years. Did not pay in 1876. I paid in 1875. Have a receipt from John Deane. John Deane himself gave me this receipt. Can't remember when he gave it to me. Took good care to get it 30 days before the election. I paid him 75 cents for it. I work at Loss Creek. I have witness that I paid my taxes.

Cross-examined:

I got papers in Louisiana before I got these. I got full citizen papers there.

(The foregoing answer objected to, that the naturalization of a citizen can only be proved by a certified copy of the record.)

Can't tell how old I was when I came to this country. I know I was under age when I came to this country.

(This testimony is objected by the counsel for the incumbent.)

Re-examined:

I got my first and second papers in Louisiana. When I came here they were objected to because Louisiana was said to be out of the Union.

The prothonotary at Pottsville, for one, objected to it when I went there to get a copy of them when they were wearing out. I never tell no man how I voted for.

his
PATRICK + FLANNERY.
mark.

Sworn and subscribed to before me this 19th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PETER JOYCE sworn.

I did not vote at the late election.

THOMAS SMITH sworn.

I live in West Mahanoy Township. Have lived there going on 10 years. I voted at the last election. I was born in Ireland. I came to this country 40 years ago as nearly as I can tell. I went back to Ireland once. Remained there about two years. Am back again some thirty-four years or more, to the best of my opinion. I showed a tax-receipt at the last election. I have it with me. It was signed by John Deane, and dated January 24, 1876. I got it on the day of the date of it. The tax for 1876 I paid to John Donnelly after the election.

Cross-examined:

I paid the tax for 1874; I lost the receipt; couldn't tell when I paid the tax for 1874.

Re-examined:

I voted the Democratic all through at the last election, to the best of my knowledge. I think it was my son who gave me the ticket to vote.

Recross-examined:

I didn't read the ticket that I voted at the last election. I couldn't tell because I didn't read it. My son did not read the ticket to me. My son Thomas gave me the tickets. He told me it was the Democratic ticket. Couldn't tell that he told me that Jas. B. Reilly's name was on the ticket.

THOMAS SMITH.

Sworn and subscribed to before me this 19th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

WILLIAM SMITH sworn.

I live in West Mahanoy Township. My parents tell me I was born in Schuylkill County. I voted at the last election. I have a tax-receipt with me; (witness produces receipt, dated November 15, 1875, for county tax; amount $1.50; signed John Deane, collector;) I got at our house. My wife told me she had paid John Deane for the tax. I guess if she did not pay him, he would not have given it to her. Can't tell when I first saw this tax-receipt. Might have been that night, and it might have been a month. I have not paid my tax for 1876.

WILLIAM SMITH.

Sworn and subscribed to before me this 19th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK BRENNAN sworn.

I live in Raven Run—that is, West Mahanoy Township—these last seven years. I voted at the last election. I was born in Ireland. I was about 25 years old when I came to this country. I came to this country in 1844. In 1868 I lived at Conner's Patch. My witness in getting my papers was William Mullen.

(Witness produces tax-receipt, dated July 15, 1876, for the taxes for 1875; amount $0.75; signed Thos. Maguire, collector, and for county tax.) Last year's or taxes for 1876 I have not yet paid. I got this receipt from Thos. Maguire. This is the only State and county tax I have paid within two years.

Question. Who did you vote for for Congress at the last election?—Answer. I understand I voted for Mr. Reilly. I vote the Democratic ticket. I couldn't read it.

(Mr. Smith, counsel for contestant, here informs counsel on the other side that John Deane, the collector of county and State taxes for 1875, had made return of the tax called for in the receipt above referred to, and was allowed credit for the same in the exonerations of the county, long prior to the issuing of the said receipt.

his
PATRICK + BRENNAN.
mark.

Sworn and subscribed to before me this 19th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN LEONARD sworn:

I am living in West Mahanoy Township for over ten years. I voted at the last election. I was born in Ireland. I was about 20 years of age when I came to this country. I came right to Schuylkill County, and I am here these 18 years.

(Witness produces naturalization-paper, known as a minority-paper, issued the 15th day of September, 1868, by the prothonotary of court of common pleas of Schuylkill County; Thos. J. McCamant being the prothonotary. Witness says:)

This is my naturalization-paper. My witness was James Knox. I saw him in Pottsville on the day I got my papers. .I knew him three years before that. We worked together before that in many places in Schuylkill County. I only got this one paper. I had no paper before this. Some said James Knox was an inmate of the almshouse at the time that he was my witness when I got my papers. Nobody asked me to go to Pottsville when I went to get my naturalization-papers. I went on my own hook. I did not send after James Knox to come and swear for me. I had no occasion to send for him. When I met him there I met him on the street near the court-house, and afterward in the court-house. He came in with me and got them for me. I did not know James Knox in Ireland. I did not ask James Knox in what part of Ireland he resided.

(Tax-receipt produced by witness and dated June 15, 1876, for $0.75, county-tax for 1875, signed Thomas Maguire, collector.)

I got this receipt from Thomas Maguire. It is the receipt I had at the election when I voted. I paid my tax for 1876 since the election.

(Tax-receipt for 1874 produced, dated September 15, 1874, for county-tax, $0.75.)

I got this receipt at the time I paid that tax. The only State or county tax within two years preceding the election, that I paid before the last election, was this receipt, as paid to Thomas McGuire, June 15, 1876.

(Counsel for contestant here states that this witness is included in the list of the exonerations of the collector for the township made by the commissioners some months before the payment of this tax. This is for the information of the counsel for the incumbent. This is not as evidence.

Counsel for incumbent objects to the foregoing testimony in regard to the naturalization-paper; first, as an attempt to contradict the record of the court by parol testimony, for which it is incompetent.)

Cross-examined:

Thomas Maguire was the collector of county-taxes for 1875, after John Deane was put to jail. Commissioners gave him permission to collect it. Maguire gave me a receipt for county-taxes for 1875. Maguire was bail for John Deane. I never asked John Deane to have me returned to the commissioners for exoneration, because of being too poor to pay the taxes. Don't know what year I was born in. Can't give you any idea. Won't say anything when I can't tell the truth about it. The man that stood for me when I was baptized was in this country a long time, and he knew my age. His name was Thomas Casey. He is dead now. What he told me is the way I knew of my age. I heard tell of my age, too, in the old country. I came here in Jimmy Buchanan's time. I guess I was here three years or more before I took out my naturalization-papers. I am not sure that I was here over five years before I took them out. I am sure I was here three. I couldn't tell rightly how old I am now. I am 30 anyhow, and perhaps more—perhaps 35. I may be less.

Re-examined:

Q. For whom did you vote for Congress at the last election?

(Objected to by counsel for incumbent, because, first, not the best evidence susceptible; second, that they have not proved that the witness is an illegal voter, and that the contestant is compelled to prove conclusively that he is an illegal voter before the question can be asked; otherwise it is irrelevant.

Counsel for contestant replies that he asks to be informed as to the first objection what is better evidence of how the witness voted than his statement here under oath; to the second objection he avers that the witness proves by his own testimony that he is not duly naturalized and that he has paid no legal State or county tax within two years, and is therefore not a qualified voter.)

A. It was pretty late when I came to vote. They handed me a ticket, told me it was the right ticket to vote, and I put it in. That's all I have to say about it. It was an Irishman that gave it to me. I thought it was the right ticket. I would vote the Democratic ticket. I don't know who was on my ticket. He told me it was the right ticket. I don't know who it was that gave it to me. He told me it was the Democratic ticket.

(Counsel for incumbent objects to this last answer as hearsay testimony as to a material fact.)

his
JNO. + LEONARD.
mark.

Sworn and subscribed to before me this 19th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK CUFF sworn.

I live at Loss Creek, West Mahanoy Township; have lived there eight years, and probably more. I voted at the last election. I was born in Ireland. I could not tell how old I was when I came to this country. I came to this country under age. I lived in Mount Carmel before I came to Loss Creek. I lived in Ashland, too. I can't tell in what year I came to this country. I have nothing by which I can recall the time when I came to this country.

(Witness produces a copy, (certified,) dated October 3, 1872, attested by William J. Matz, prothonotary of Schuylkill County, showing that a certificate of naturalization of what is known as a minority paper was issued to one Patrick Cuff on the 24th of September, 1866, and says:)

This is what I claim for my naturalization paper. My witness was William Gallagher; don't know where he lived at the time he went witness for me. I don't know where he is now. I knew him for a long time; he knows me, too. I knew him in Ashland. It's a long time since I seen him. He was a middling old man; am not sure that he was older than I. I can't tell my age now. I have no date or anybody that could tell me my age. I think I am pretty near thirty years old; couldn't tell my age; might be more or less. Don't know what Gallagher was engaged in when he went witness for me. I met him in Pottsville. I am not sure that I lived in Ashland at the time I got this paper. I don't know who gave it to me. I got it in Pottsville myself; I am sure o that. I knew Mr. Gallagher well; can't tell who he was married to. I swore to these papers myself; otherwise would not have got them. I swore to them in Pottsville, in the court-house. I got them right away when I swore to them, and took them home with me. This is a copy of the paper I swore to. I couldn't tell how many years before this it was that I got my other papers. I didn't keep it in memory.

Question. What age did you swear you were when you got your naturalization paper?

(Objected to by counsel for incumbent. First. That this is an attempt by parol testimony to contradict a record of the court. Second. The question is irrelevant and immaterial. Third. It is a cross-examination by contestant of a witness produced by the contestant.)

Answer. I swore that I was 23 years of age. I was five years, or over five years, in this country when I swore to my naturalization papers. I can't tell if William Gallagher was as tall as General Sigfried; can't tell what complexion William Gallagher was. I showed one tax-receipt when I voted at the last election.

(Witness produces tax-receipt dated January 4, 1875; taxes for county for 1875; amount, $0.75. Signed by John Deane, collector.)

John Deane gave me this receipt. I lived in Loss Creek when I got this receipt. I don't know a Patrick Cuff in Shenandoah. I got this receipt at the time it is dated. This is the only receipt I showed to the election officers. I paid my county tax for 1876 after the last election. I have the receipt with me. I paid it to John Donnelly.

(Witness produces receipt dated October 4, 1876, signed John Donnelly, for $0.83, county tax for 1876.)

I paid the money for this receipt and got it since the last election.

Cross-examined:

I was not in the house when the old woman paid the money for this 1876 tax-receipt. I couldn't tell whether the receipt was given on the date of it. It might have been in the house before the last election. My old woman paid the taxes. I can't write my name much, not very good. I guess I paid the money to John Deane for the receipt for 1875.

If I did not pay it, my wife did. I am sure I did not pay it. I got the receipt in my own house. My old woman showed it to me when I came home, and said she paid the tax to John Deane. I guess the date is on the receipt when it was paid.

Re-examined:

I did not get the receipt from 1876 from John Deane on the day of election at the polls.

Q. For whom did you vote for Congress at the last November election?

(This is objected to as irrelevant and immaterial, as the vote is not shown to have been illegally cast.)

A. I voted the Democratic ticket for Congress, but I am not sure that it was the Democratic ticket.

his
PATRICK + CUFF.
mark.

Sworn and subscribed to before me this 19th day of January, A. D. 1877.

H. K. WESTON, *Notary Public.*

THOMAS KELLEY, sworn.

I live in West Mahanoy Township; lived there I guess over 9 years; I voted at the last election; I was born in Ireland; I was between 6 and 7 years of age when I came to this country; I have a tax-receipt; I produced a tax-receipt before the election-officers.

(Witness produces tax-receipt, dated October 5, 1876, for State, county, and building tax for the year 1876. Amount $100, signed John Donnelly, collector.)

This is the only county tax I paid within two years of the election. The last I paid before that was dated September 16, 1874, for the year 1874, and was paid September 16, 1874. A man fetched this receipt of Jno. Dolley, dated October 5, 1876, to me on the day of election. A man by the name of John Carr gave it to me. I told John Donnelly 15 or 20 days before the election to bring me a receipt. I paid no money for it.

Cross-examined:

I offered no objections to taking this receipt from John Carr. He said nothing about my taxes having been paid. Carr said he would pay the tax if I wouldn't pay it. I do not know whether Carr paid it or not. Don't know whether that tax-receipt had been paid for before by Carr or anybody else for me.

Question. For whom did you vote for Congress at the last November election?

(Objection by counsel for incumbent that the question is immaterial and irrelevant, the witness not having been proved incompetent as an elector.)

Answer. I don't know rightly. I voted the Cooper ticket. I can't read or write. John Carr made up my ticket, I think. He handed me the ticket I voted. I can't tell whether I voted for the Democratic or the Republican candidate for Congress.

his
THOMAS + KELLEY.
mark.

Sworn to and subscribed before me this 19th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL CANFIELD, sworn.

I live in West Mahanoy Township, at Colorado; lived there for over 10 years; I voted at the last election; I was born in Ireland; I came to this country May 8, 1861; I was between 29 and 30 years old when I came to this country.

(Witness produces tax-receipt, dated October 5, 1876, for $1.10, State and county tax for 1876. Signed John Donnelly, collector.)

This is the receipt I voted upon. I got this from Donnelly on the day of the election. I paid him nothing for it at that time. My wife told me she paid him the pay before last pay; in the month of November, I think. I believe this is the only county tax I paid within two years of the last election. There was some difficulty between me and Jno. Deane, and I got exempted for last year's taxes by the commissioners. The last pay was last Saturday, and the pay at which my wife paid the tax was the November pay, being, I believe, the pay after the election. My naturalization papers were burned five years ago, when my house burned down.

Cross-examined:

I paid John Cochlin $1.25 county tax, December 14, 1874, for the year 1874. (Receipt shown witness.) This is the receipt that I received at that time. The payment was made on the date of the receipt.

MICHAEL CANFIELD.

Sworn and subscribed to before me this 19th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN CUMMINGS sworn.

I live at Colorado, in West Mahanoy Township. Have lived there four years. I did not vote at the last election.

his
JOHN + CUMMINGS.
mark.

Sworn and subscribed to before me this 19th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to nine o'clock January 20, 1877.

JANUARY 20, 1877.

JAMES DIXON sworn.

I live at Loss Creek, in West Mahanoy Township. I have lived there going on fourteen years. I have my naturalization-paper with me. I was born in Ireland.

Question. In what year were you born?

(Objected to by counsel for incumbent, because the question is irrelevant and immaterial, and because counsel for contestant refuses to state the object. And the only object the question can have is a contradiction of a certified copy of a decree of a competent court which cannot be affected by parol evidence to impeach or contradict it.)

Answer. I couldn't answer that. I am not a scholar. I can neither read nor write. When I was in Pottsville I told as far as I can judge. Them tax-receipts there can tell themselves. I won't answer the question how long I was in the country. I don't know how long I was in the country. I don't know whether it was the first or second year of the late war when I came to this country.

(Witness shows a certificate of naturalization known as minor's paper, issued out of the court of common pleas of Schuylkill County, October 12, 1868, signed Tho's J. McCamant, prothonotary, James Knox, witness.)

I paid every taxes in 1875. Of course I paid a State or county tax in 1875. I paid the State and county tax for last year, and for every year for six years. I did not pay any taxes to John Donnelly.

(Witness shown tax-receipt dated July 18, 1876, for State and county tax for 1875, amount $1.88, signed by John Deane per Tho's Maguire, collector.)

The statement made by contestant's counsel to go upon the notes merely as matter of notice to opposing counsel, and not as evidence in this issue. The statement made by contestant's counsel in reference to receipts issued by Thomas Maguire applies to this case and similar ones in the future.

Cross-examined:

I can't say upon my oath definitely when I came to this country. They were at war when I came to this country. Couldn't tell whether it was the first or second year when I came. When I took out my naturalization-papers I then swore to my age as near as I could judge. I did a man's work when I came to this country. I couldn't tell whether I was between 16 and 25 when I came to this country. I can't tell now whether I was between 16 and 25 years when I came to this country. I now say that I was between 16 and 18 years of age when I came to this country. Thomas McGuire was collecting the 1875 county tax for John Deane, after John Deane was sent to prison. As such collector he gave me this receipt for the 1875 taxes. I had my 1875 tax-receipt at the polls last election, and showed it to the election officers.

Re-examined:

I voted at the November election in 1876.

Q. For whom did you vote for Congress?

(Objected to by counsel for incumbent: 1st. Because counsel for contestant refuses to state the object of the question; 2d. The question is irrelevant and immaterial because the vote not having been proven to have been illegally cast, the answer to the question cannot affect the issue. And these objections to apply to questions of similar import in the examination of this witness.)

A. I won't answer.

his
JAMES + DIXON.
mark.

Sworn and subscribed to before me this 20th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

WILLIAM HARKINS sworn.

I live in Danesville, West Mahanoy Township.

(Witness produces tax-receipt dated October 4, 1876, for State, county, and building tax for 1876, $0.80, signed by John Donnelly, collector.)

I got this receipt from John Donnelly on the day it is dated. I am positive of this fact. I did not pay John Donnelly for this tax-receipt when I got it. I did not pay him for it since then. I voted at the last election, November, 1876.

Cross-examined:

When he offered me this receipt I offered no objections to taking it. I took it of my own free will and accord. Can't say whether he at that time told me it would entitle me to vote at the election or not. Donnelly was the State and county tax-collector for West Mahanoy Township. I had that receipt at the polls and showed it to the election officers. Donnelly told me that the standing committee had arranged and paid my taxes. Not the Republican, but the Democratic party. I then accepted the receipt upon which I voted afterward.

Re-examined:

Question. For whom did you vote for Congress at the late election?

(Counsel for incumbent objects, that the answer cannot affect the issue because the question is irrelevant and immaterial, because the vote was not shown to have been illegally cast.)

Answer. I voted for the Democratic candidate.

Recross-examined:

I mean by that I voted the Democratic ticket. I read my ticket. I did not read Colonel Nutting's name upon it. I did read Mr. Reilly's name upon it.

WILLIAM HARKINS.

Sworn and subscribed to before me this 20th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

BRYAN MCAVOY sworn.

I live in Raven Run, West Mahanoy Township. I think I voted at the last election.

(Witness shows tax-receipt dated October 5, 1876, for State, county, and building tax; amount, $0.83, for 1876 tax. Signed John Donnelly, collector.)

This is my receipt. I got it on the day of election in November last. I did not pay him for this receipt at the time I got it. Have no other tax-receipts with me. Tax receipts for two years before this one (1874) is mislaid. Don't know when in 1874 I paid my tax for 1874. The man who was running for supervisor gave me my receipt. It was the first election after Mahanoy Township was divided when he gave me that receipt. The supervisor's name was Kelly. Don't remember his first name. He lives in Raven Run. I did not pay that supervisor for the tax-receipt he gave me.

Cross-examined:

Donnelly did not that I remember tell me the standing committee had paid for this receipt when he gave it to me. There was some talk about somebody in Pottsville paying for it, but I did not understand it exactly. Donnelly has not since collected, nor attempted to collect, the money for those receipts. He has been looking for taxes from me since but as for this tax I can't tell. I believe he collects school-tax. The 1874 tax-receipt for county tax was received by close to the first West Mahanoy Township election. It was about two years ago. I cannot tell the date. I accepted the receipt from John Donnelly from my own free will. I thought I could not vote without it; if I thought I could I wouldn't looked for the receipt. I produced the receipt at the election-polls and handed it in the window to the election officers. When I took that receipt, I understood, and took it with the understanding, that some person had paid my taxes.

Question. For whom did you vote for Congress at the last election?

(Objected to by counsel for incumbent that the question is irrelevant and immaterial, the vote not having been shown to have been illegally cast, the answer cannot affect the issue.)

Answer. I couldn't read my ticket. I understand it was the Democratic ticket altogether.

Recross-examined:

I can't read. I didn't read my ticket. I think there was some names read on it. I think Mr. John Colihan's was on it. The rest I don't remember. I don't know that Colonel Nutting's name was on. I don't remember anything about it. I can't swear positively that Mr. Reilly's name was on the ticket.

Redirect:

I forget whether the man who read the ticket for me read off the name of James B. Reilly.

(All of the above testimony in regard to the payment of county taxes is objected to by the counsel for incumbent because it was proven by contestant that his tax-receipt signep by the proper officer was produced at the election, and submitted to the inspection of the election officers, and that this tax-receipt is conclusive evidence of the payment of the taxes named therein.)

his
BRYAN + McAVOY.
mark.

Sworn and subscribed to before me this 20th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES MURPHY sworn.

I live at Conner's Patch, in West Mahanoy Township. I voted at the last election. I don't know in what year I was born. I may be between 40 and 45. I am sure I am 40; can't say exactly how much more. To the best of my knowledge it is twenty-two years next May since I came to this country. I was born in Ireland, as far as I can understand. All the time I have been in America I have lived between Girardville and Ashland. Michael Murphy was my witness when I took out my naturalization-papers. He lived in Ashland then. I had but one witness when I obtained my papers. I understood that Michael Murphy was the man that swore for me. I saw him swear for me, to the best of my knowledge, because it is so long ago. I must swear to the best of my knowledge. To the best of my knowledge I got three papers. I lost my papers, and went down to Pottsville and got a copy; this is the copy.

(Witness produces copy (certified) of original naturalization-papers issued out of the court of common pleas of Schuylkill County, dated September 14, 1868, signed by T. J. McCamant, prothonotary, and John Gallagher appears as witness on this naturalization-paper.)

I don't know John Gallagher, whose name appears upon my naturalization-paper as witness.

(Witness produces tax-receipt, dated October 5, 1876, for State, county, and building tax for 1876; amount, $0.83; signed, John Donnelly, collector.)

This is my receipt. I got this receipt from John Donnelly on the day of the election, in November, 1876. I did not pay for it. I understood it was paid for by the standing committee. I have not since paid him for

it. John Donnelly told me he had money from the standing committee to pay for them that had not money to pay their taxes. I have no other State or county taxes for the years you are looking for them. Couldn't find the State or county taxes for 1874 or 1875. For 1875 I did not pay the State and county tax. That's the year John Deane was the collector. To the best of my knowledge I paid State and county tax for 1874, and I couldn't tell what season of the year I paid this 1874 tax. I couldn't say exactly whether I paid it in 1874 or 1875. I think I paid it, anyhow. Am not perfectly sure, but to the best of my knowledge I did.

(It is understood between counsel for the respective parties, that objections made after the testimony in chief is closed, shall be good as if made at the time the questions were asked.

The foregoing testimony as to naturalization-papers is objected to, because it was proved by contestant that he had a naturalization certificate, they were concluded by his answer, and could not cross-examine their own witness to impeach or contradict his answer. 2d. It is irrelevant and immaterial, because they proved by their own witness that he had taken out full naturalization-papers, in which Michael Murphy was witness. 3d. The testimony as to the tax-receipt is objected to, because the receipt signed by the proper officer is conclusive evidence of the payment of the county tax mentioned therein, and the time of its payment. Reserving these exceptions they proceed to cross-examine.)

Cross-examined:

I am perfectly sure I got first papers the time Michael Murphy was with me. Couldn't say exactly as to whether I got the second papers; to the best of my knowledge I did; but I don't say the second to be positive. I think it is about fifteen or sixteen years ago since Murphy went down to swear for me when I got the papers. It may be more, but is not less. Am sure it is fifteen years. I got the tax-receipt at the polls that day from John Donnelly. I understood from him it was the standing committee who paid the tax. I accepted that receipt. I presented it to the election officers when I voted. They inspected it.

Re-examined:

Q. For whom did you vote for Congress at the last election?

(Objected to by counsel for incumbent. 1st. The vote has not been proven to have been illegally cast, therefore cannot affect the issue.)

A. To the best of my knowledge I voted the Democratic ticket.

Recross-examined:

Can't read hardly anything at all. If I looked sharp at it I'd know a man's name. I looked at some of my ticket. I could tell that Reilly was on it. I don't suppose Nutting was on it. I never voted the Republican ticket yet, and it is my calculation never to do so.

his
JAMES + MURPHY.
mark.

Sworn and subscribed before me this 20th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL NOON sworn.

I live in Conner's Tract, West Mahanoy Township. I voted at the last election. I was born in Ireland. I can't read or write. I didn't hear any man or woman tell the year I was born in. From information received from a friend, I am 54 years of age the 15th of next May. As

far as my knowledge goes, 14 years next April 4th, I got two naturalization papers. John O'Donnell was my witness. I had my tax-receipt with me yesterday, but I have since lost it. I got the last receipt at the poll from John Donnelly on election-day, being November 7, 1876. My wife always pays my taxes. She told me she paid the tax to John Donnelly. It was not paid before the election. I had no money to pay. My wife paid it some days after the election. He refused me at first. I always paid my State or county tax, that is, the old woman paid it. My wife paid the taxes all the time. I couldn't tell or prove that my wife paid State or county tax for 1875, for I did not see it, and I have never been asked for it since. I can't tell whether it was paid in 1874. I guess it was paid, for my wife always paid it for every year, and I have not been asked for it since. I don't know who was collector of State and county taxes for 1875, whether it was John Cochlin or John Deane, or who it was. It didn't bother me about date.

(To all of the above testimony, the counsel for incumbent objects, as upon the same grounds in the foregoing witness; and with the consent of the other counsel.)

Cross-examined:

When Donnelly gave me the receipt, it was on condition that I was to pay him again. That's how I got it. I paid it since. He said nothing about the county committee paying for it. I presented this receipt at the election-polls and showed it to the election-officers. Donnelly just gave it to me, and did not add anything to the receipt. I don't know whether he told me or not that he had filled it up 30 days before the election. I took the receipt and accepted it.

Redirect:

Question. For whom did you vote for Congress at the last election?

(Objected to by counsel for incumbent, because the vote has not been proven to have been illegally cast, and therefore cannot affect the issue, and is therefore irrelevant and immaterial.)

Answer. I voted for the Democratic ticket. I did not blot any off of it nor put any on it. They had to read it for me.

Recross-examined:

Mr. Reilly's name was read to me from the ticket I voted.

his
MICHAEL + NOON.
mark.

Sworn and subscribed to before me this 20th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

MARTIN HOBIN sworn.

I live in Colorado, West Mahanoy Township. I voted at the last election. I have lived there about 7 or 8 years, and may be up to 9 years.

(Witness produced tax-receipt, dated October 5, 1876, for State and county tax for 1876, amount, $0.83, signed John Donnelly, collector.)

I think this is the receipt I got. I got it from my son Martin. About five or six weeks before the election, I heard my son say he would go to the tax-collector and get a receipt. I didn't ask him whether he got the receipt then or not. In the forenoon of the election-day I got it from my son. I had this receipt with me at the poll and showed it to the officers. I did not pay John Donnelly any money for this receipt. I asked my son, and he said the receipt was right. I have not since paid

Donnelly anything for it, and he has not asked me for anything. My son is a voter. He was born in Schuylkill County. Nobody but myself voted upon this receipt. My son got one for himself. I did not pay a State or county tax for the year 1875. I was not assessed.

(Witness produces tax-receipt for State and county tax, dated September 30, 1874, for $0.75 tax for 1874, signed John Cochlin, collector.

This is objected to by counsel for incumbent as immaterial, because it is not claimed that the tax-receipt of 1874 gave him the right to vote at the last election.)

I got this 1874 receipt on the day I paid my taxes. I paid Cochlin the taxes out of my own hand and he gave me that receipt.

Question. For whom did you vote for Congress at the last election?

(Counsel for incumbent objects, because, 1st, contestant refuses to state the object of the question; 2d, it is irrelevant and immaterial, because the vote having been shown by the contestant to be a legal vote, the answer cannot affect the issue; 3d, for the same reason, the witness cannot be forced to disclose how he voted.)

Answer. I voted for James Reilly and the whole Democratic ticket.

Cross-examined:

(Counsel for incumbent objects to the testimony as to the tax-receipt, for the reason that the receipt itself was produced at the election and its inspection by the election-officers was conclusive evidence of the payment of the tax, and his right to vote.)

The tax-receipt I produced was my own. I got it from my son, and accepted it as my own. I voted for Reilly. I know I voted for Reilly, because I heard a man beside me call his name from the ticket he had, and we got our tickets from the same man. That's the only way I know that mine was a Reilly ticket. Nobody read my ticket for me, that I know of. I guess if anybody had read it for me, I would know it. I am positive I would know it if anybody had read it for me. I don't read nor write. This is the only way I know of James R. Reilly's name being on, in the way I have told you.

his
MARTIN + HOBIN.
mark.

Sworn and subscribed to before me this 20th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK LENAHAN sworn.

I reside in Colorado, West Mahanoy Township. I have been living there last six years. I was born in Ireland. I can't tell in what year I was born. I am 28 years of age now, as near as I can tell. I came to this country in 1862. I was 14 years of age when I came to this country. I have been living in this country since 1862.

(Witness produces tax-receipt dated October 5, 1876, for State and county tax, for 1876; amount $0.83 signed John Donnelly, collector.)

I got this receipt from John Donnelly on last election-day. I did not pay him anything for it. I have not paid him since the election, but he came for it, and I hadn't it; that is, the money for it. I did not pay any taxes in 1875, because I did not work and did not have the money. I voted at the last election.

(Counsel for incumbent objects to the above testimony in regard to the tax-receipt dated October 5, 1876, as the receipt itself is the best evidence, and with these exceptions they proceed to examine the witness.)

Cross-examined:

I paid taxes in 1874. (Witness produces tax-receipt dated November 17, 1874; county tax for year 1874, amount $0.75; signed John Cochlin, collector.)

This is my receipt for 1874. I paid the money for it. I offered no objections to taking the receipt of October 5, 1876, when offered me on the day of election last November. When I voted last November I presented this as my receipt. When John Donnelly gave me the receipt he asked me for no money. He expected it of me, though.

Redirect:

I got that tax-receipt from John Cochlin on the day it is dated. I paid John Cochlin for it on the day that I got it.

Question. For whom did you vote for Congress at the late election?

(Counsel for incumbent objects, because, 1st, counsel for contestant refuses to state object of question; 2d, the counsel for contestant has not proven the witness to be an illegal voter, and therefore the question is irrelevant and immaterial, and cannot affect the question at issue.)

Answer. I voted the Democratic ticket. I cannot read nor write. I know that I voted the Democratic ticket, because I heard some of them reading the ticket that I voted; it was not the ticket that I put in that they read. The ticket that I voted was read to me. I can't say whose names were on the ticket, but I know that Reilly's name was on it. They could have deceived me by reading any name from the ticket as a candidate for Congress, because I cannot read or write.

Redirect:

On the day of election I got my ticket from John Donnelly.

his
PATRICK + LENAHAN.
mark.

Sworn and subscribed to before me this 20th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

DENNIS CARDUFF sworn.

I live at Colorado, West Mahanoy Township. I voted at the last election. I was born in Ireland. I am about twenty-six years of age, and may be a little over it. I came to this country about seven years ago.

(Witness produces naturalization paper issued out of the court of common pleas of Schuylkill County, dated 2d of October, 1876; Thomas F. Kerns, prothonotary; Anthony Coyle, witness.)

This is my paper.

(Witness produces State and county tax for 1876, dated October 4, 1876; $0.83; John Donnelly, collector.)

This is my receipt. I got it upon election-day last November. I did not pay John Donnelly on election-day for this receipt. I did not pay him since for this receipt. I did not ask for it, either. I did not pay a State or county tax in 1875 for 1875, nor did I pay a State or county tax in 1874. I was not assessed at all that year.

(Counsel for incumbent objects, because, 1st, counsel for contestant refuses to state object of question; 2d, it has not been proved that the witness is an illegal elector, and therefore the question is immaterial and irrelevant, and cannot affect the issue; 3d, that the evidence to contradict the tax-receipts and naturalization-papers is incompetent, as the

tax-receipt itself and the records of the court of Schuylkill County are the only proper evidence; 4th, that the contestant having proven in chief the tax-receipts and naturalization-papers, the counsel for contestant is concluded by the witness's answer and the papers produced, and cannot by parol evidence contradict or impeach their own witness or these papers.)

Answer. I voted for James B. Reilly for Congress at last election.

Cross-examined, reserving exceptions:

I cannot read or write. I am sure I am 26 years of age. I heard some of the folks say it. I have heard my own friends say it. I heard my mother say it. She told me what age I was when I left the old country. She told me when I left the old country that I was nearly 20 years of age. I don't know how long before I left that she told me. I am certain that it was my mother. I don't know what year I came to this country. I couldn't tell whether it was more or less than seven years ago since I came to this country. I don't know whether the war was going on when I came to this country. I believe the war was over. I don't know long it was over when I came. I don't know whether it is true or not when I swore at the Pottsville court that I lived in this country three years under age. I did not know when I swore that I was here under 18 years of age—whether I swore to the truth or not. I don't know now whether I was under 18 years of age. I'm no scholar; I didn't keep the date of it. I don't know how much over seven years I was when I came to this country. I can't tell whether the recital in my papers that I was in this country three years before I became 21 years of age is true or not. I did not swear to that at Pottsville. I made my mark for a paper there. I got my paper from a lawyer there. John J. Clark, a lawyer there, gave them to me. There I made my mark to a paper. Anthony Coyle, my witness, was there along with me. I guess he made his mark to the paper. I don't know whether he did. We went up into the court-room, myself and Coyle.

The prothonotary, or one of his clerks, read the paper over to me there, and to my witness, Anthony Coyle, and to the whole of us. I took the Bible in my hand, and I kissed the book and swore to what he read to me, *i. e.*: That the petition for my naturalization was true to the best of my knowledge and belief. The prothonotary then took the paper down into his office. The certificate was afterward sent to me. I heard what the clerk read to me. I swore to it. I didn't know then that what I swore to was true. It was true to the best of my belief. I would not swear to a lie. Mr. Clark had nothing to do with my papers except to fill them up at my request and as I directed. I got a tax-receipt on the day of election from John Donnelly. When I offered my vote I presented that receipt to the election-officers, and they inspected it. When given me by Donnelly for my taxes, I accepted the receipt. He said before that he got some money from some of the standing committee to pay for some taxes; mine amongst the number I don't think he told me he had it filled out 30 days before the election. I offered no objections to taking the receipt.

Redirect:

I don't know whether or not I was twenty years of age when I came to this country.

his
DENNIS + CARDUFF.
mark.

Sworn and subscribed to before me this 20th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

ANTHONY CRANE sworn.

Live at Loss Creek, West Mahanoy Township; I voted at the last election. I have my tax-receipt and naturalization-papers with me. I was born in Ireland. I am thirty-three years or so of age. It is going on fifteen years since I came to this country.

(Witness produces naturalization-papers, issued out of the court of common pleas of Sch*ool*' , dated October 7, 1876. Thomas F. Kerns, prothonotary.)

This is my paper. James Dixon was my witness.

(The foregoing testimony is objected to so far as naturalization-papers is concerned, for the reasons given in the objections to the testimony of the foregoing witnesses.)

Cross-examined, reserving these exceptions:

To the best of my knowledge I was under eighteen years of age when I came to this country. From the length of time I am in the country it ought to be about that. That must be that I arrived here under eighteen years of age. I believe I swore to the truth when I swore to this. I swore as I was told by my age, *i. e.*, in getting my papers. I have been in this country going on fifteen years. I am telling you as I was told myself, that I am going on thirty-three. I have paid State tax for 1874, 1875, and 1876, and I believe at the dates given in the receipts. The receipts will tell.

Redirect:

I was married when I came to this country. I had children then, two of them. I was the father of these children; don't know how old they were. The oldest was not two years. I can't tell; might be five or ten years. I don't know how old. They were not twins. I was not of age when I was married.

Question. Were you nineteen years of age when you married?—Answer. Couldn't I be fifteen when I was married? Something like fifteen years of age when I was married, and may be more.

Q. Were you sixteen years of age when you were married?—A. I have given all the answers I have.

(This is objected to by counsel for incumbent, as they are concluded by all his answers to his questions.)

Q. For whom did you vote for Congress at the last election?

(Counsel for incumbent objects to the answer, because it has not been proven that the vote was not illegally cast, and the answer cannot therefore affect the question at issue, and as additional reasons those heretofore given in the examination of this witness in regard to his naturalization-papers.)

A. I voted for the Democratic ticket at the last election. That is what I intended to vote, anyhow.

Recross-examined:

I was told when I got the ticket that it was the Democratic ticket. I didn't read it, because I can't read or write. Nobody read the ticket for me. It was handed to me, that's all. I cannot swear positively what kind of a ticket it was, only I was told it was a Democratic ticket.

his
ANTHONY + CRANE.
mark.

Sworn and subscribed to before me this 20th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned till Monday morning, January 22, 1877.

JANUARY 22, 1877.

PETER MOTTZ sworn.

(Counsel for incumbent objects to proceeding with the examination of witnesses on this date, because the notice of contestant served upon incumbent states that depositions would be taken on 18th, 19th, and 20th days of January, 1877, at this place in Shenandoah, and did not state that depositions would be taken on Monday, January 22, 1877, or that the taking of depositions would not be continued from Saturday, January 20, 1877, until Monday, January 22, 1877, at the house of Mrs. M. J. Deach, at Shenandoah, and therefore incumbent's counsel appears under protest to cross-examine, reserving all the rights and exceptions, &c.)

I live in Raven Run, West Mahanoy Township. I have my tax-receipts with me.

(Witness produces tax-receipt dated October 5, 1876, for 1876 taxes, State and county; amount, $0.83; signed, John Donnelly, collector.)

This is my receipt. I am twenty-two years of age, and a little over. I was twenty-two years old somewhere around last July. I never paid State or county tax before this one.

Question. When did you get this tax-receipt from Mr. Donnelly?

(Objected, because tax-receipt, signed by the proper officer, is conclusive evidence of the payment of county tax, the time of such payment, and the amount thereof. This to apply to all such questions in relation to tax-receipts.)

Answer. I got it on the day of election. I did not pay him at all for this receipt. I voted at the last election held November 7, 1876.

Cross-examined:

I got the tax-recept from John Donnelly. It was filled up at the time he gave it to me; had his name signed to it. He did not tell me anything; just gave me the receipt; did not tell me that it had been filled up thirty days before the election, nor that it had been arranged for the Democratic standing committee. I accepted the receipt, and voted upon it. I showed it to the election-officers, and they inspected it, and then took my vote. I noticed the date on it as October 5; can't tell whether Donnelly had these receipts in his pocket filled up. No objection was made by the election-officers. Mr. Price did not say anything to me about my name not being upon the registry-list. I did not see him in the board. I am a son of John Motts, who has testified here. I know of no John Motts in the township. To my knowledge there is no John Motts in the township. I have lived about where I now live for about eight years. In that time I have not known any one by the name of John Motts or John Marts. During these eight years I lived at Raven Run. Had a John Motts lived at Raven Run, I suppose I should know it. My father works for Ormrod & Co.

Q. For whom did you intend to vote for Congress at the last election?

(Counsel for incumbent objects, because, first, counsel for contestant declines to state the object of the question; second, the vote not having been shown to have been illegally or fraudulently cast, it cannot affect

the issue, and is, therefore, irrelevant and immaterial; third, it is not the best evidence of how the vote was cast.)

A. I ain't going to answer it.

PETER MOOTZ.

Sworn and subscribed to before me this 22d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS FLANIGAN sworn.

I live in Raven Run, West Mahanoy Township. I voted at the last election, November 7, 1876. I lost my tax-receipts. I was twenty-three on the 26th of last April. I paid State or county tax in 1875. I did not pay any in 1876. I paid no State or county tax in 1874. I resided in West Mahanoy Township during the whole of the year 1875. I paid my county and State tax for 1875 to John Deane. I do not know another Thomas Flanigan in the township. My State and county tax for 1875 amounted to $1.50.

Cross-examined:

I paid the State or county tax for 1875 on the 24th of December, 1875.

Redirect:

Question. For whom did you vote for Congress at the last election?

(Objected to by counsel for incumbent, because, first, counsel declines to state the object of the question; second, the vote not having been proven to have been illegally or fraudulently cast, the answer cannot affect the issue; third, it is not the best evidence.)

Answer. I refuse to tell.

THOMAS FLANIGAN.

Sworn and subscribed to before me this 22d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK DEANE sworn.

I live at Connor's Patch, West Mahanoy Township. I voted at election held November 7, 1876. I have my tax-receipt with me for 1875, but not my papers. (Witness produces tax-receipt dated January 23, 1876, for State and county tax for year 1875, $0.75. John Deane, tax collector.) This is my tax-receipt. I did not pay for it; my father did. My father's name is Terrence Deane. I got this receipt upon the day on which it is dated. I was born in Ireland. Don't know in what year I was born.

Question. Tell us, as near as you can, in what year you were born, and how old you are.

(This is objected to by counsel for incumbent, because, first, contestant's counsel, upon being requested, refuses to state the object of the question; second, it is irrelevant and immaterial as to when he was born.)

Answer. I suppose I am between twenty-four and twenty-five; about twenty-four. I couldn't tell exactly when I came to this country. About seven or eight years ago as near as I can tell. I did not get my naturalization-papers; they were sent to me. I don't know who sent them to me. A boy left them at the house. They were over a year there before I knew they were there. I have not got—that is, I don't know whether or not I have in the house now the papers that were left there. All the voting I done, I did on my father's papers and my own tax-receipt. I never presented at an election poll these papers that were left at the house by a boy. My father came to this country about the same time that I did. He came at the same time that I did.

Cross-examined, reserving all exceptions:

The paper left at the house by a boy read just the same as any other naturalization-papers. I was never at court to swear to a naturalization-paper. I was sure it was just the same as any other naturalization-papers. I don't know from whom that paper came. I did not see the boy who left it, and never knew who it was. It had the seal of the court on, I believe. I never used that paper. I voted on my father's naturalization-papers. I am about twenty-four years of age. My father became naturalized about three years ago. Couldn't exactly tell whether it was over three years ago. I don't know in what year I came to this country. It might and it might not be over eight years since I came to this country, *i. e.*, since myself and father came. I have not the date or the year. My father was naturalized before I was twenty-one. I think he was. I knew the money was paid for my taxes for 1875. My father told me so. He paid his own and mine. He told me so. I had that tax-receipt with me at the polls. I showed it to the election-board, and they inspected it, *i. e.*, John Deane's receipt, as signed by him.

Redirect:

I did not observe the word "copy" on the naturalization-papers left at my house by the boy. I did not examine it. I couldn't tell in what year this paper was left there. I knew they were not mine, and did not use them. Can't tell when I voted for the first time. Am not sure whether or not I voted in 1874. I think I did vote at the election in which M. M. L'Velle ran for State senator in this district. I think I did vote, and that this was my first vote. I think my father voted at that election. I don't know how long before that election that my father was naturalized.

Q. For whom did you vote for Congress at the last election?

(Counsel for incumbent objects, first, the evidence is irrelevant and immaterial, as the vote has not been shown to have been illegally or fraudulently cast, and therefore the answer cannot affect the issue; second, the ballot is the best evidence as to how he voted.)

A. The ballot-box will tell that, I suppose.

Q. Why do you refuse to answer the question?

(This is objected to by counsel for incumbent; for the reasons previously given, the witness need not tell why he declines to answer the question.)

A. Because I am not compelled to answer it.

(Counsel for contestant appeals to commissioner, asking him to compel witness to answer the question. The commissioner decides that he is not compelled to answer the question.)

his
PATRICK + DEANE.
mark.

Sworn and subscribed to before me this 22d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN WALSH sworn.

I live in West Mahanoy Township, at Danesville, and work for the Philadelphia Coal Company; I voted at the last election; I have my tax-receipts and naturalization-papers with me. (Witness produces naturalization-papers issued out of the court of common pleas of Schuylkill County, dated October 26, 1874, Hiram Moyer, prothonotary.) This

is my naturalization-paper. I was born in Ireland; I came to this country about fifteen years ago; I am not much short of fifteen years in this country. James Carty was my witness when I obtained this naturalization-paper. Don't know where he lived at that time. I saw this James Carty; I saw him at Pottsville; I saw him there on the day I got my original papers; I don't know whether or not I ever saw him before that day.

Question. Don't you know that John Deane got this copy of a naturalization-paper, and gave it to you, and that you never declared your intentions to become a citizen of the United States, and that you never obtained final naturalization-papers?

(Counsel for incumbent objects to the question; 1st, the question is leading; the witness is contestant's; 2d, it is an attempt to contradict and impeach a record produced and proven by contestant himself; 3d, it is an attempt to impeach and contradict a certified record of a competent court, and parol evidence in a collateral proceeding.)

Answer. John Deane never brought me a naturalization-paper, and I did declare my intentions to become a citizen of the United States.

Q. Did you obtain a final naturalization-paper?

(This is objected to by counsel for incumbent, because, 1st, certified copy of the records show that he did get copy of naturalization-papers; 2d, the record is the best evidence.)

A. I thought I answered that before, and once is enough.

Q. Did you swear to them in getting any naturalization-papers?

(This is objected to by counsel for incumbent, because, 1st, it's a cross-examination of witness produced by themselves; 2d, the question is leading, and an attempt to impeach and contradict a record proven by themselves in a collateral proceeding.)

A. I did not swear in getting this certified copy, but I did to the one before. It's so long since I got my first papers that I can't tell whether I swore to them or not. The ones I did swear to I swore to in Pottsville, in the court-house. They say it is a court-house. After getting inside, I went upstairs and went into a room, and in this big room I swore to these papers. I may have seen my witness, James Carty, since, and may not have known him; it is so long ago. I may have known James Carty long enough, and he known me. He knew me long enough, so he said.

Q. Do you know in what business James Carty was engaged at any time since he was your witness, or at any time before it?

(This is objected to by counsel for incumbent; 1st, we object to this question and those preceding it; 2d, because the questions are leading, and in their nature a cross-examination; 2d, It is not necessary that the party vouching for an applicant for naturalization, should be known to such applicant, if the voucher knew the applicant, from the fact that a competent court has passed upon the competency of the evidence, as shown by the fact of the decree for naturalization is conclusive in this collateral investigation; 3d, and all other objections to which this and the foregoing questions are a supplement.)

A. No. I have my tax-receipt with me. (Witness produces tax-receipt dated July 16, 1876. Thomas Maguire, collector. State and county tax for 1875. Amount, $0.75.) This is my receipt. I guess it is mine; the woman gave it to me. I did not pay Thomas Maguire. The woman said she paid him, and gave me this receipt.) (Witness produces tax-receipt dated October 5, 1876. Amount $0.83. John Donnelly, collector for State and county tax for 1876.) I guess this is my tax-receipt. Don't know whether it is or not; as I said before, my wife pays it for

me when I am work. I can't tell you rightly when I got it. I don't know that I paid John Donnelly for taxes. My wife always pays my taxes.

Cross-examined:

When I went to vote at the last election I had both of these receipts at the polls. I showed them to the election-officers, and they were, I guess, inspected by them. I handed them in to them, and I guess they looked at them.

Redirect:

Q. For whom did you vote for Congress at the last election?

(Counsel for incumbent objects, because, 1st, this has not been shown to have been an illegal vote, and, therefore, the question, no matter how answered, cannot affect the issue; 2d, it is not the best evidence to prove the fact for whom he voted.)

A. The names of them I can't tell; I don't remember.

Q. Did you vote for James B. Reilly for Congress at last election?

(Counsel for incumbent objects: 1st, the question is leading, irrelevant, and immaterial, and the answer will not be the best evidence the case is susceptible of.)

A. I don't know whether I saw his name on the ticket or not. I don't remember whether I opened my ticket or not. I don't remember from whom I got my ticket.

It is understood that all objections to which the testimony was susceptible may at any time be tacked to it, although formal objections to questions and answers may not have been placed upon record, and these objections may be made at any time before the decision of the case by the Congress of the United States, or verbally before the committee appointed by Congress to pass upon the merits of the case, and this to apply to all the testimony of the contestant.

his
JOHN + WALSH.
mark.

Sworn and subscribed to before me this 22d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

NEAL O'DONNELL sworn.

I live at William Penn Colliery, West Mahanoy Township; I voted at the last election, November 7, 1876; I have my naturalization paper and tax-receipt with me. (Witness produces tax-receipt for State and county tax for 1876, dated October 4, 1876, $0.83, John Donnelly, collector.) This is my receipt; I can't tell when I got it from John Donnelly; can't tell whether I got it on election-day; I did not pay him for it when I got it from him, (John Donnelly;) I did not pay him since. I did not pay any State or county tax for 1875; I did not pay any State or county tax for 1874. I have my naturalization-paper with me. (Witness produces naturalization-paper issued out of the courts of Schuylkill County, dated September 28, 1872, William J. Mutz, prothonotary, known as minor-papers.) This is my paper; I was born in Ireland; I don't know the year; I don't know my age either; I might be 27 or 28 years of age, under or over I cannot tell; I cannot exactly tell when I came to this country; it might be seven or eight years; under or over that I cannot tell.

Cross-examined:

I can't exactly say that I swore I was under 18 years of age when I came to this country; I cannot swear that I was not under 18 years of age when I came to this country; I do not know my age, and that's the reason I can't tell you. I don't know whether I swore when I got these papers in the court-house; I know a man had a book; he presented it to me; I think I took it into my hand; I didn't know what I was doing; I think he read to me; I don't know that it was the Bible; I don't know that I knew that I was going to swear; I do not know that I kissed the book; I do not know whether I swore; I didn't know at that time whether I swore or not; I might now; I never was in the court-house before. I got this tax-receipt from John Donnelly on the day of last election, November 7, 1876; he did not tell me that the standing committee had paid my taxes for me. I presented my tax receipt to the election-board, and they inspected the receipt and passed my vote.

Redirect:

Don't know how long I was in the country before I made application to be naturalized; I can't tell whether I was four years or five years; can't tell; I don't know.

Question. For whom did you vote for Congress at the last election?

(Objected to by counsel for incumbent because for reasons to be given at any time.)

Answer. To the best of my knowledge I voted the Democratic ticket.

Recross-examined:

I opened it and saw that it was the Democratic ticket; I can read a little; I saw James Reilly's name, I think; I don't know that I did. I can't exactly tell you.

his
NEALL + O'DONNELL.
mark.

Sworn and subscribed to before me this 22d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 1.30 p. m.

PATRICK DEANE sworn.

I live at No. 3, West Mahanoy Township. I voted at last election, held November 7, 1876. I have my tax-receipts and naturalization-papers with me. (Witness produces naturalization-papers issued out of the court of common pleas of Schuylkill County, October 1, 1866; signed, Jos. M. Feger, prothonotary.) This is my paper. I was born in Ireland.

(Counsel for incumbent objects to all questions tending to impeach this naturalization-paper, as above produced, as parol testimony to contradict and impeach the record of a court of competent jurisdiction in collateral proceedings; second, as a cross-examination of their own witness, to impeach the naturalization-papers already proved by them; they are concluded by the testimony of the witness in this regard. This objection to apply to all future questions to this witness regarding this paper.)

I have no day or date to my age. I never was told my age yet. I couldn't tell exactly now how old I am. I have no idea how old I am.

Question. Are you about forty years of age?

(Counsel for incumbent objects; the witness being their own, they have no right to ask a leading question.)

Answer. I don't know how old I am. Don't know how long it is since I came to this country.

Q. Did you come to this country before or after the war?

(Objected to by counsel for incumbent, because it is a leading question.)

A. I couldn't tell exactly whether I came to this country before or after the war.

Q. Was the war in being at the time you came to this country?

(Objected to by counsel for incumbent, on account of repetition of former question, and as leading.)

A. I am not sure; I think it was some time about the beginning of the war when I came. I was married when I came to this country. Had children when I came to this country; I don't know whether it was one or two. I don't know whether I was twenty-one years of age when I came to this country.

Q. Were you fifteen years of age when you came to this country?

(Objected to by counsel for incumbent as leading, and because the same is substantially answered in the preceding question.)

A. I don't know what age I was when I came to this country; I may have been more or less; I cannot tell.

Q. Were you fourteen years of age when you came to this country?

(Objected to by counsel for incumbent as leading, and as having been substantially answered before.)

A. Didn't I tell you before that I didn't know whether I was or not?

Q. Were you thirteen years of age when you came to this country?

(Objected to by counsel for incumbent, because the question is leading, and as having been answered in former answers.)

A. I couldn't tell whether I was or not. I answer the same thing over again. I may have been more or less. I couldn't tell how much more or less than thirteen years I might have been when I came to this country.

Q. Were you more than thirteen years when you came to this country?

(Objected to by counsel for incumbent as leading, and as having been substantially answered before.)

A. I don't know whether I was or not.

Q. Were you less than thirteen years of age when you came to this country?

(Objections by counsel for incumbent as leading, and as having been substantially answered before.)

A. I couldn't tell. If I knew my age, I'd let you know it at once.

Q. Were you two years old when you came to this country?

(Objected to by counsel for incumbent, because leading, and having been substantially answered before.)

A. I don't know whether I was or not.

Q. Did you hear any one say that you were born in this country, or do you know that you were born in this country?

(Objections by counsel for incumbent, because it is leading, and the answer necessarily hearsay.)

A. I did not hear any one say that I was, and I know I was not.

Q. Were you two months old when you came to this country?

(Objected to by counsel for incumbent as leading, and as having been substantially answered before.)

A. I think I have answered that often enough.

Q. Where did James Knox, whose name appears upon your naturalization-paper as a witness, live at the time he was your witness?

(Objected to by counsel for incumbent, for the reasons given at the

beginning of the examination of this witness, as to all matters connected with this paper.)

A. He lived in Mount Laffee or in Pottsville; I don't know which. It was in Pottsville I met him that day.

Q. How long did you know James Knox before the day he was your witness?

(Objected to by counsel for incumbent, because it is immaterial how long the witness knew James Knox; the question which the court had to pass upon was, "How long James Knox knew the witness?" and the court having passed upon this, it cannot be questioned in this collateral proceeding.)

A. I had not lived in Schuylkill County more than a month when I became acquainted with him. He was living next door to me.

Q. How long were you in this country until you made application to become a citizen of the United States?—A. I cannot tell how long. I have my tax-receipts with me. (Witness produces tax-receipt for State and county, and tax for 1876, dated September 19, 1876; amount, $2.93. Jno. Donnelly, collector.) This is my receipt; I paid this on the day it is dated. I paid him in full, but he gave me $1 back until the next time he would come around, because he couldn't make the change. The next time he called I paid him the difference. The second time he came around I paid him $1, the balance due. I couldn't tell upon what date I paid him this $1; it was not a month afterward. I was not assessed in that township in 1875, but I paid my taxes in that township in 1874. I paid my 1874 taxes to a man named Corrigan, I think; it was Mahanoy Township at that time. Some time in the summer, I think, but I can't tell exactly what time.

Cross-examined:

I was not assessed at all in 1875. When I voted last November 7, 1876, I had not my tax-receipt along. I forgot it; and had to go inside and swear that I had paid a State or county tax within two years preceding the election.

Redirect:

Q. For whom did you vote for Congress at the last election?

(Objected to by counsel for incumbent; because, 1st, that the answer will not be the best evidence as to how he voted; 2d, the vote not having been shown to have been fraudulently or illegally cast, it is irrelevant and immaterial how he voted, as the answer would not affect the issue.)

A. Indeed I couldn't tell. I think I got my ticket from Anthony Coyle.

Recross-examined:

Anthony Coyle did not read my ticket to me. Neither did anybody else that I remember of; I don't think they did. I can't read myself.

his
PATRICK + DEANE.
mark.

Sworn to and subscribed before me this 22d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK DEANE sworn.

I live at Danesville, in West Mahanoy Township. I voted at the last election. I got tax-receipts from John Donnelly. (Naturalization minor

paper produced, dated October 12, 1868; Thomas J. McCammet, prothonotary; and James Knox, as witness.) This is my naturalization-paper. I was born in Ireland. I had no one to tell me—I had neither father or mother. I cannot tell how old I am or———

(Objected to by counsel for incumbent, all the foregoing testimony, and what is to follow, tending to affect or impeach this paper, for the reason that his naturalization, and this certificate thereof, has been proven by contestant; and that they cannot now cross-examine their own witness to impeach or contradict it, as they are concluded by his answers in regard to it; 3d, that this being a decree of the court, they cannot in a collateral matter question its validity; and this to apply to all future questions as to this witness.)

I cannot tell when I came to this country. I cannot tell whether it was before or after the commencement of the war that I came to this country. I don't know anything about the war. I was married when I came to this country. I couldn't tell how many children I had when I came to this country. I now say that I had one child when I came to this country. I couldn't tell how old it was. I couldn't say whether I was under or over twenty-one years of age when I came to this country. Nobody told me my age, and I don't know how old I am. I did not swear when I got my papers that I was twenty-seven years of age. The only thing I swore to was that I would be loyal and true to the country. The only oath I took at Pottsville was that I'd be loyal and true to the United States; if I took any other oath, I don't remember it.

Question. Did you swear that you were under the age of eighteen years when you came to this country?

(Objected to by counsel for incumbent: 1st, the question is leading; 2d, the records of the court will show what the witness swore to, and they are the best evidence; 3d, this is a cross-examination of their own witness.)

Answer. I don't know whether I did or not; I couldn't tell.

Q. How long did you know James Knox before he was your witness?

(Objected to by counsel for incumbent, because it is immaterial how long the witness knew James Knox; the only question before the court was how long James Knox knew the witness; and upon that a court of competent jurisdiction passed, when it made the decree of naturalization, which decree cannot be questioned in this collateral issue.)

A. I never knew the man until that day. He might have known me for three or four years before that. I met James Knox at the court-house, No one told me that I would meet James Knox there. Never seen the man before when I met him in the court-house; there were men there what knew the man, and they introduced me to him; I couldn't tell you now who the man was that introduced me to James Knox.

Q. Did you intend getting your naturalization-papers on the day that you got them?

(Objected to by counsel for incumbent, because, 1st, the question is leading; 2d, a cross-examination of their own witness; 3d, his act shows what his intentions were, and his intentions don't show what his acts were.)

A. What was in my mind that day is not in my mind to-day. I couldn't remember to-day about, and could tell nothing at all about it to day. No one asked me, nor did I ask anybody to go to Pottsville for my naturalization-papers. (Witness produces tax-receipt, dated October 5, 1876, for State, county, and building tax for 1876, $1,10, John Donnelly, collector.) This is my receipt.

Q. When did you get this tax-receipt for State and county tax from John Donnelly?

(Objected to by incumbent's counsel, because the tax-receipt, signed by the proper officer, for county and State taxes, was conclusive evidence to the election-officers of the payment of the taxes mentioned therein.)

A. Isn't it there on that receipt-tax, the day I got it? I can't read or write, and cannot tell the date by looking at the tax-receipt.

Q. Did you get this receipt upon the day of election?

(Objected to by incumbent's counsel, because, 1st, the question is leading; 2d, the tax-receipt having been produced before the board of election-officers, it was conclusive evidence as to his right to vote; 3d, is a cross-examination of their own witness as to matters brought out by them.)

A. I never paid a cent of taxes. It's the woman pays them. It was her that gave me the receipt this morning. I know that my wife had this tax-receipt before this morning. I don't——

Q. Do you know that your wife had this tax-receipt two weeks before this morning?

(Objected to by counsel for incumbent, because, 1st, is leading; 2d, is a cross-examination of their own witness as to matters brought out by the contestant.)

A. I don't know whether she had or not. I have not got a tax-receipt for 1875. I paid the State and county taxes for 1874, but I have not got the receipt. I couldn't tell what time of the year it was when I paid the 1874 tax. I paid John Cochlin in 1874 or 1875. I think it was the last year he was collecting taxes. I don't know whether I paid it before or after the election in 1874.

Cross-examined:

When I voted last I showed my tax-receipt for 1876, also my naturalization-papers. They were inspected by those officers. I couldn't tell, *i. e.*, I can't tell now whether or not I was under eighteen years of age when I came to this country. I believe now that it is true what I swore to in that court-house. The clerk in the court-house read a paper off to me. I took the book there and kissed it, and swore that I'd be loyal and true to the United States; and that's all that I did swear to, as I told you before.

Redirect:

I had that receipt here the last few days. I don't know whether I had the State and county tax-receipt from John Donnelly before my wife handed it to me two weeks ago.

Q. Did you know that your wife was in possession of a State and county tax-receipt for 1876 from John Donnelly before she handed it to you two weeks ago?

(Objected to by counsel for incumbent, because, 1st, this is leading; 2d, it is an examination of their own witness.)

A. I didn't know until she handed me the receipt last week. This morning, when I was coming up, she handed it to me too.

Q. For whom did you vote for Congress at the last election?

(Objected to by counsel for incumbent, because, 1st, the answer would not be the best evidence the matter is susceptible of; 2d, it is irrelevant and immaterial, the vote not having been shown to have been fraudulently or illegally cast, the answer cannot affect this issue.)

A. I don't know. The man who gave me the ticket I never asked to read me the ticket. I don't know what kind of a ticket it was. I just put it in as he gave it to me. Thomas Smith gave me my ticket.

Recross-examined:

I showed the tax-receipt for 1876 that Donnelly gave me to the election-board November 7, 1876, at the election-poll.

his
PATRICK + DEANE.
mark.

Sworn and subscribed to before me this 22d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN M. DELANEY sworn.

I live at Brownsville, West Mahanoy Township. I was not born in this country. I voted at the last election, (November 7, 1876.) I have my 1876 tax-receipt with me. (Witness produces tax-receipt for State and country tax for 1876, dated December 23, 1876, John Donnelly, collector.) I lost my tax-receipt for 1875; but I have paid my taxes for every year since 1870. My wife always paid the tax. I think the last tax paid in 1875 was to Jack Deane. I think she paid the 1874 tax to Corrigan, from Lanigan's. I saw these receipts; she always makes a practice of showing them when I come home at night from work, when she had paid it. I lost the 1874 and 1875 tax-receipts. I got on a "bender" and lost them. I had to make oath at the last elections that I had lost them, and that I had paid taxes within two years preceding the last election. The election-officers on the day of election filled out a paper which I had to sign, in which I claimed the right to vote on account of having paid my taxes within the two years. I signed it, and swore to this blank.

Cross-examined:

I lived at Coal Castle before I moved to West Mahanoy Township or Mahanoy Township. My father lived there, and was a citizen long before I became one. I was five weeks old when I came to this country, they say. They say that I was born on the water in an American ship, and therefore under the American flag.

Question. For whom did you vote for Congress at the last election?

(Objected to by counsel for incumbent, because: 1st, not the best evidence the subject is susceptible of; 2d, the vote has not been shown to have been illegally or fraudulently cast, and cannot affect the question at issue.)

Answer. James B. Reilly.

JOHN M. DELANY.

Sworn and subscribed to before me this 22d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS MCGUIRE sworn.

I live in the borough of Shenandoah. I was and am one of the bondsmen of John Deane, tax-collector of West Mahanoy Township for 1875. I guess John Deane did not collect the amount of tax on his duplicate for the year 1875. I got the duplicate that John Deane had for 1875, and have it now, (of West Mahanoy Township.) The way I got it was, I received a postal card from the commissioners of Schuylkill County to go down to Pottsville. I went down, and found out there that James B. Reilly was the first man on the bond of John Deane. I found out that Richard Rahn was another, the present register of the county and

clerk of the orphans' court. I went to Rahn. He asked me could we make anything off this duplicate by getting it from Mrs. Deane. I told them I didn't know many in the township, and by bringing Toney Carey along with me and paying him $2 a day that we might save ourselves in some way to collect the balance. We went through the township with the duplicate, and found that we could not make much out of it. We found receipts, and not marked paid upon the duplicate; the balance of the party that we found complained that they were too poor and are still in a state of starvation. The commissioners gave me authority and Cyrus Moore, the treasurer of the county, gave me the warrant, under his hand, to collect the balance of the taxes on the old duplicate of John Deane, for West Mahanoy Township. The commissioners were Morgan W. Fehr, Patrick Collins, and Lewis Blass, and they gave me the authority June 26, 1876. I had verbal authority from the commissioners to collect the balance due on Deane's duplicate some time before this. All of the remaining bondsmen on the John Deane bond gave me authority to collect the balance on the duplicate, except J. Miller Raub, whom I never saw, and Thomas Ferguson, whom I never knew. I never received any instructions to collect any taxes from any man or men who had been exonerated by the county commissioners. There is no memoranda on the duplicate of persons exonerated; the only marks are "poor" and "left." From those marked "poor" I never collected any money. I have not collected any taxes from any persons I know to have been exonerated. I never got any taxes from Patrick Flannery, neither did I ever give him a receipt. I once asked him for the tax, and he said he paid John Deane. He also produced the receipt from John Deane. He is not marked in the duplicate "poor" or "paid." I know John Walsh, who testified here to-day. His wife paid me $0.75 for his taxes for the year 1875. Thomas Flanigan paid $1 for State and county tax for 1875. There is another Thomas Flanigan, marked "poor," but I do not know where he lives. I don't know where the Thomas Flanigan lives who paid me the $1 tax. I saw the Thomas Flanigan who testified here this morning; I don't know whether he is the one or not. I can't remember whether it was Thomas Flanigan who paid me personally that tax. I guess I know James Dixon. I know the James Dixon who testified here as a witness. He paid me some 50, 80, or 90 cents; something like that, which was a balance due. The other amount of $1 he had paid to John Deane. I gave him a receipt in full when he paid me the 88 cents balance. I know three Michael Noons. I know the Michael Noon who was a witness here. He did not pay me any tax.

(The counsel for contestant reserves the right to call this witness at some future time, and the counsel for incumbent reserves his cross-examination—reserves his right for that or some other future time.)

THOMAS McGUIRE.

Sworn and subscribed to before me this 22d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

ANDREW DEANE sworn.

I live at Danesville, in West Mahanoy Township. I did not vote at the last election.

his
ANDREW + DEANE.
mark.

Sworn and subscribed to before me this 22d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK NOONE, sworn.

I live at Danesville, in West Mahanoy Township. I voted at the last election. I have my tax-receipt with me. (Witness produces State and county tax-receipt for 1876, dated October 5, 1876, $0.83, signed John Donnelly, collector.) This is my receipt. I guess I am going on 24 years of age.

Question. When did you get this receipt from John Donnelly?

(Objected to by counsel for incumbent, because unless it is shown that this receipt was not produced at the election it is conclusive evidence of the payment of the tax and the time.)

Answer. I got it the day of the election, in the house, *i. e.*, my father's house. I don't know when it was left there. I did not pay John Donnelly for the State and county tax previous to the election. I did after the election. I never paid any tax before.

Cross-examined:

This receipt is signed by John Donnelly, the county tax-collector. I had spoken to him in October about the receipt. I accepted the receipt. In October, more than thirty days before the election he promised me a receipt on condition that I would pay him after; I promised to pay him after the election, and I did pay him when I got the money. He promised to fill me up a receipt thirty days before the election, and he did it. I am not positive that he did do it, but he promised me that he would do it. I got this receipt and accepted it as my own in good faith. When I went to vote at the last election, I presented this receipt to the election-officers. They inspected it, and my vote was passed.

Redirect:

Question. For whom did you vote for Congress at the last election?

(Objected to by counsel for incumbent, because, 1st, it is not the best evidence the subject is susceptible of; 2d, it has not been shown that this vote was illegal or fraudulently cast, the evidence would be immaterial and the answer could not affect the issue.)

Answer. I voted for the Democratic ticket.

PATRICK NOONE.

Sworn and subscribed to before me this 22d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned January 22d, A. D. 1877, to convene at Ashland on Tuesday, January 23, 1877, at 10 o'clock a. m. at the public house of Charles Culp.

H. K. WESTON,
Notary Public.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Charles W. Schnerr, being duly sworn according to law, deposeth and saith, that as one of the clerks for Hiram K. Weston, esq., a notary public in and for the county of Schuylkill, residing within said thirteenth Congressional district of Pennsylvania, and before whom the testimony

of witnesses is to be taken in the matter of the contest for a seat in the House of Representatives of the United States of America in the Forty-fifth Congress from the said thirteenth Congressional district of Pennsylvania, between James L. Nutting, contestant, and James B. Reilly incumbent, he will impartially and truly write down the whole of the evidence of each and every witness produced, sworn, or affirmed, and examined in relation to any matter touching said contest, and in all things truly and faithfully perform his duty as clerk to the best of his ability

CHARLES W. SCHNERR.

Sworn and subscribed before me this 23d day of January, 1877.

[SEAL.] H. K. WESTON,

Notary Public.

In pursuance of the above adjournment, the taking of depositions resumed at the public house of Charles Culp, in the borough of Ashland, in said county of Schuylkill, at 10 o'clock a. m., this 23d day of January, A. D. 1877.

The said Hiram K. Weston appoints Charles W. Schnerr, a resident of said thirteenth Congressional district, as clerk to write or transcribe the testimony in the above matter.

Parties present: W. R. Smith and Edward Monaghan, of counsel for contestant; John A. Nash, A. P. Spinney, and J. F. Minogue, of counsel for incumbent.

William R. Smith, esq., offers the notice of taking testimony at this place, with proof of service upon the said incumbent, marked "Exhibit C."

Dr. F. D. EMACK sworn:

I live in the west ward, borough of Gilberton.

(Objected to by counsel for incumbent to the examination of the witness from the borough of Gilberton, because the notice served upon incumbent by contestant does not inform said incumbent in what election-district of said borough, there being three, the respective witnesses live or vote.)

I voted at the last election, November 7, 1876, in the west ward; I lived in the west ward of Gilberton since the 4th day of November, 1875. I came from Baltimore, the State of Maryland. I had not been a citizen of the State of Pennsylvania before that. I am a single man. I think I left Baltimore about the 28th day of October, 1875; I came all the way on horseback. I started for the borough of Gilberton when I left the city of Baltimore; I had been to Gilberton before. When I left Baltimore I came to Gilberton with the intention to locate there.

Qnestion. When did you determine to make the borough of Gilberton your home?

(Objected to by counsel for incumbent—1st, as a cross-examination of the witness produced by the contestant; 2d, the witness, in answer to the question in direct examination, has said he was a resident within this State one year prior to the last November election, and by that answer the contestant is concluded, and cannot now cross-examine to impeach or contradict his own witness.

Counsel for contestant protests to the assertion that the witness has said when he became a resident of the State, or said he was a resident of the State, and refers to the foregoing testimony of the witness.)

Answer. I don't know when I determined to make Gilberton my home.

Q. When did you determine to make Pennsylvania your home?

(Objected to by counsel for incumbent, because the witness's inten-

tions can be only determined from his acts, and contestants have proven that he has made Pennsylvania his home since November 4, 1875.)

A. That I don't know.

Q. For whom did you vote for Congress at the last, November 7, 1876, election?

(This is objected to by counsel for incumbent—1st, because it is not the best evidence it is susceptible of; 2d, the ballot having not been proven to have been fraudulently or illegally cast, the question, if answered, cannot affect the issue.)

A. I voted for James B. Reilly for Congress. I was at Gilberton at another time before I moved here. My object then was to find a location to practice my profession. I found the location there, and determined to settle there. It was not in pursuance of that determination that I went back to Baltimore to prepare to come there. At this visit I had not determined to come back and locate at Gilberton; but I did afterward come back to Gilberton and locate there. I was a citizen of the State of Maryland and the United States before I left there. I read my ballot. Before I located at Gilberton on the 4th November, 1875, I had determined to locate there, and this was in pursuance of my determination. I was in Pennsylvania on my first visit in October of the same year. I had not at that time determined to locate in Pennsylvania.

Q. About what time prior to November 4, 1875, did you determine to locate in Gilberton?—A. The latter part of October, in the same year. It may have been prior to that; I don't know. I read my ballot, but did not find Colonel Nutting's name on it. I have considered Gilberton my home ever since November 4, 1875.

Redirect:

I am a practicing physician. I opened an office in Gilberton on the 5th day of November, 1875. Since then I have been in Philadelphia part of the time; not more than three days at a time at Philadelphia.

Q. What other places have you been located at for the purposes of your profession or any other business?—A. I have not been located at any other place but the borough of Gilberton.

Q. Why can't you tell when you determined to make Pennsylvania your home?

(Objected to by Mr. Nash, counsel for incumbent, because it is a cross-examination of contestant's own witness, and its repetition.)

A. Simply because I don't know the time.

Q. Can you tell us about the time?—A. I have answered that question, and I decline to answer again.

Q. Will you please point out in your testimony where you have answered the question?—A. I determined to become a resident of Pennsylvania the latter part of October, 1875.

F. D. EMACK, M. D.

Sworn and subscribed to before me, a notary public, this 23d day of January, 1877.

H. K. WESTON,
Notary Public.

JOHN REARDON sworn.

I live in the west ward of Gilberton borough. I live in the district that now composes the west ward of Gilberton for about three years. I voted at the last election. I have my tax-receipts with me. (Witness produces tax-receipts dated October 3, 1876, for county and building tax, 83, borough, 75 cents, with "Frank McKeon, collector," printed

at the bottom.) No other signature to the receipt. I cannot tell the date when I got it; I guess it was before the election.

Question. How long before the election did you get this receipt?

(Objected to by John A. Nash, counsel for incumbent, that this is a cross-examination of their own witness; that this tax-receipt has been proven by contestant himself, this testimony has a tendency to contradict or impeach it; 2d, that the tax-receipt, signed by the proper officer, is conclusive evidence of the payment of the tax, the time and amount of the same, so far as this inquiry is concerned.

Counsel for contestant submits that the paper produced by witness as a receipt for said taxes is no receipt at all, and asks that a copy of it be made a part of this deposition, and is not signed by anybody, and the name to the paper is printed.)

Answer. I can't answer rightly how long. I can't tell about how long. I don't know how long before the election I got this receipt. I disremember. I don't know. I am trying to fix a time. It was some weeks before the election. I had this paper before the election-officers on the day of election. I showed this to show that I paid my taxes. Francis McKeon did the writing on this paper. Francis McKeon didn't give me this on election-day. I told you I couldn't answer when he gave me that. I guess I gave him money for this paper. I believe it was $1.58 cents that I gave him for this paper. I was on the registry. I am somewhere between 23 and 24 years of age. When I got this paper I paid the money.

Cross-examined:

I got this as my receipt from Frank McKeon. I don't believe I got it on the day it is dated.

Q. Wasn't it thirty days before the election?—A. I cannot tell. I had this receipt with me at the election. I showed it to the election-board. It was inspected by the election-board.

Q. Is this the form of receipt given by Francis McKeon?

(Objected to by counsel for contestant unless the witness knows, of his own knowledge, the practice adopted by Mr. McKeon.)

A. That is the form he gave it to me; he gave it to me as my receipt and for my receipt.

Redirect:

Mr. McKeon handed me this paper in his own house. I have my naturalization-papers with me. I was born in Wales.

Q. When did you come to this country?

(Objected to by Mr. Nash, counsel for incumbent, 1st, that this is not the proper tribunal to revoke or annul certificates of naturalization papers; 2d, that the naturalization-certificate having been produced and proven by the contestant, he cannot cross-examine to impeach or contradict it; 3d, the record of a court cannot be impeached or set aside by any tribunal but that court itself, and cannot be questioned in this collateral proceeding by testimony tending to contradict or impeach it; 4th, the certificate is conclusive evidence of its contents. And this to apply to all other testimony given by this witness on this point.)

A. It is about seven years, as near as I can remember. I came over in the steamer Colorado. I believe it was the Guion line. I have lived in Schuylkill County since I came to this country.

Q. For whom did you vote for Congress at the last November election?

(Objected to on part of counsel for incumbent that the ballot is sa-

cred and this witness not having been proved to have cast an illegal vote they, the contestant, have no right to ask the question.)

A. I voted for whom I wished best.

Q. Will you please give the name?—A. Well, I don't know that I need give the name. I paid no taxes for 1875; I paid no other State or county taxes within two years of the last election, except that what is purported in the receipt. I don't know whether I paid these taxes within two weeks of the date of this paper; I don't know when I paid it. I can't say whether I paid this within three weeks of the date of this paper, but I paid it between the date of this paper and the election.

Q. For whom did you vote at the last November election for Congress?

(Objected to on the part of counsel for incumbent; the same objection is made to this question as was made to it when asked before as above.)

A. I don't want to satisfy them to answer it; I voted for James B. Reilly.

Recross-examined:

There was no agreement between McKeon and myself in regard to the payment of these taxes that I know of before they were paid.

JOHN REARDON.

Sworn and subscribed to me before me, a notary public in and for Pennsylvania, on this 23d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 1.30 o'clock p. m. January 23, 1877.

Copy of paper above referred to.

GILBERTON BOROUGH, *Oct.* 3, 1876.

M. Received of John Rardin .

You are hereby notified that your taxes as assessed for the year 1876 are as follows:

County tax	$075
Building "	8
State X "	X
Borough "	75
	1.58

The law requires all taxes to be paid within thirty days after the receipt of notice.

FRANK MCKEON,
Collector.

[Standard print, Pottsville.]

The name of Frank McKeon, collector, to the above paper is in printed letters.

Resumed at 1.30 o'clock p. m. of January 23, 1876.

CHRISTOPHER GROGAN sworn.

I live in the west ward, borough of Gilberton; I lived in the borough of Gilberton about two years; I have voted at the last November election. I don't know how old I am, only what my father has told me; my father told me I was born in this county; my father lives in the borough of Gilberton; I don't know what year my father

told me I was born in; my father told me I was between the ages of 21 and 22 years; I have paid no taxes; I voted on age; my father didn't tell me when I was 21; he only told me I was entitled to a vote, and I voted; I don't know who proved my age when I voted; I was called in the room and sworn, and I swore in the room that I was between 21 and 22 years old, by what my father told me; I did not sign or swear to a paper in the room, that I know of; I don't know that anybody else signed or swore to a paper in the room for me; I don't know that my father swore to a paper in the room for me; my father did not tell me where I was born; my father's name is John Grogan; I lived at Saint Nicholas, Schuylkill County, before I moved to Gilberton; Saint Nicholas is the first place that I remember to have lived at.

Cross-examined, reserving all exceptions:

I don't know whether I was on the registry-list; I don't know who was the assessor of our ward; there was no objection to my voting, because I was on the registry; I was called inside and I was sworn; I cannot tell what I swore to; I was asked to swear that I was between the age of 21 and 22 years old; I swore to that.

Question. Do you know whether you were born in this country or not? —Answer. I do not know; I don't know who were the officers of election; I do not know their names; I don't know whether my father is a citizen or not, or whether he voted or not; I don't know whether I was born in this country; I don't know, indeed; I don't know of my ever being in any other country.

Q. For whom did you vote for Congress at the last November election?

(Objected to by counsel for incumbent, 1, that the evidence would not be the best evidence of that fact; 2, that the ballot not having been fraudulently or illegally cast, the answers would not affect the issue; 3, the witness cannot be compelled to divulge for whom he voted, for the above reasons.

Witness asks whether he is compelled to answer that question.

Counsel for incumbent answers, as a matter of law, not.)

A. I won't tell for whom I voted for Congress at the last November election.

WILLIAM READY sworn.

I live in the lower ward of Gilberton borough; it is the west ward. I voted at the last election. I have lived 13 years in the same place that I live now. That is the tax-receipt for 1875. I don't know when I paid the county and State tax for 1875. I paid taxes to McKeon last year and the year before. I can't tell how old I am. I can't tell when I came to this country. I was in this country long before the last war.

his
WILLIAM + READY.
mark.

Sworn and subscribed to before me, a notary public in and for State of Pennsylvania, this 23d day of January, 1877.

H. K. WESTON,
Notary Public.

JAMES O'BRIEN sworn.

I live in the west ward, Gilberton. I came to Gilberton in the month of June, 1876. I came from Mahanoy City when I came to Gilberton. I am originally from Baltimore, Md. I left Baltimore on the 8th June,

1874. From Baltimore I came direct to Mahanoy City. I resided in Schuylkill County ever since I left Baltimore. I voted on age. I have no tax-receipts. I paid no taxes. I was born on the 31st January, 1855. I have no other evidence of my birth than the record in the Bible at home.

JAMES O'BRIEN.

Sworn and subscribed to before me, a notary public in and for the State of Pennsylvania, on the 23d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK RYAN sworn.

I live in the west ward in Gilberton. I voted at the last November election. I have my tax-receipts with me. I can't tell the date when I paid the taxes, but the receipt is dated September 22, 1875, for State and county taxes for 1875. I am not a laborer or a miner; I am a laborer part of the time; I am no miner. This tax for 1875 was paid when I got this receipt. I was born in Ireland. I was born in 1845, and I heard my parents say that we came in 1847. My father's name was John Ryan. (Witness produces naturalization-paper purporting to be issued to one John Ryan out of the court of common pleas of Schuylkill County, on the 11th day of October, 1856.) I got this paper from my father, and I claim the right to vote by reason of this paper.

PATRICK RYAN.

Sworn and subscribed to before me, a notary public for and in the State of Pennsylvania, on the 23d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK MCCONNON sworn.

(Objected to by counsel for incumbent, as no notice has been given by contestant to the incumbent as to the production of this witness.

The counsel for contestant would reply that the witness is known by the name of McConnell as well as McConnon.)

My name is known as well by McConnell as McConnon. They told me at the election that I was not on the registry-list, and they then called me in the room. I was sworn in the room. I don't remember now that I signed or swore to a paper in the room or not. I swore to the questions they asked me. I——

Cross-examined:

I did swear to what the election-officers asked me.

PATRICK MCCONNON.

Sworn and subscribed to before me, a notary public in and for the State of Pennsylvania, on the 23d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN BARRETT.

I live in East Butler Township. I voted at last election. I have naturalization-papers and tax-receipts, but could not find my naturalization-papers this morning. (Witness produces State and county tax-receipts for December 12, 1874, for 1874.)

(The counsel for the incumbent objects to the further examination of this witness, because the notice served upon the incumbent by the contestant does not inform the said incumbent in what election-district of Butler Township the said witness was or is a resident of.)

This is my tax-receipt. I got it in 1874. I couldn't tell in what time in 1874. I paid for this receipt when I got it. I got it, this receipt, in December of 1874. I paid him in December, 1874, for it. I was sick, but I don't know whether it was in that year. I was sick for eight or nine weeks. I was born in Ireland. I can't tell the date or year of my birth. I couldn't tell how old I am. I am going on 30 years as near as I can tell. I came into this county, I think, in 1868 or 1869. Yes; I have got my naturalization-papers. James O'Donnell was my witness. I got my naturalization-papers in Pottsville. I think it was in October that I got out my naturalization-papers, but I cannot tell in what year. I am not sure whether it is four or five years when I got these papers. I got my final or full papers at once from the court-house. James O'Donnell lived in Wadesville at the time he was my witness. I knew James O'Donnell three years before I got my papers. I did not know him in the old country. He might have known me, but I did not know him. I asked him to get my papers when I saw him with some others there. I mean in Pottsville, at the court-house. That is more than I can tell who was there. (Tax-receipt, dated December 12, 1874, for 75 cents to John Barrett, for State and county taxes for 1874, signed by Anthony Carey, and marked "Exhibit No. 4.") I did not pay a State or county tax for 1875 and 1876. I made a thorough search at home for my naturalization-papers, and I can't find them. I was in Pottsville myself for those naturalization-papers at the time I signed a paper and made oath to it.

(By agreement of counsel, the counsel of incumbent now state their objection to the foregoing testimony, with the same effect as if made at the time the questions were asked: 1st, as it is not alleged or proposed to be proven that the signature of the prothonotary and the seal of the court were not genuine, the decree for naturalization is conclusive of this collateral issue, and cannot by parol testimony impeach or contradict it so as to affect this vote; 2d, the above is a cross-examination of contestant's own witness to affect a naturalization-paper proven by him in direct examination to exist; 3d, it having been proved by contestant that he had a tax-receipt for State and county taxes paid within two years of the election, the contestant was concluded by the witness's answer, and the election-officers were concluded by the tax-receipt. East Butler election-district is in Butler Township. Butler Township is divided into four election-districts.)

For whom did you vote for Congress at the last November election?

(Objected by counsel for incumbent, because the witness, not having been proved to have been an illegal voter, is not bound to reveal the name of the candidate for whom he voted, and the ballot being secret, contestant has no right to ask such question; 2d, the ballot being the best evidence, it alone is competent.)

A. I voted the full Democratic ticket.

Cross-examination, reserving all exceptions and objections:

I can read and write a little. I did read them once or twice—the ticket I voted. I know James B. Reilly; I voted for him; I voted for James B. Reilly for Congress at the last November election.

JOHN BARRETT.

Sworn and subscribed to before me, a notary public in and for the State of Pennsylvania, on the 23d day of January, A. D. 1777.

H. K. WESTON,
Notary Public.

PHILIP ERWIN sworn.

I live in Colorado, in Butler Township. I voted at the last election; I voted at the election-district of East Butler. I have not paid any State or county tax for the last two years; I had no money to pay for it; I paid my State and county tax in 1874; I think I paid them in the latter part of August, 1874; I paid them in two parts; I paid Carey in August for my State and county tax.

Q. For whom did you vote for Congress at the last November election?—A. I voted the whole Democratic ticket, except John P. Collihan.

Cross-examined:

I can neither read or write English; I did not read the names, and no one read the names for me; but I knew that John P. Collihan was not on it—the ticket I voted.

Redirect:

Q. From whom did you get the ticket you voted on last election-day?

(Objected to by counsel for incumbent, that it is immaterial to the issue.)

A. I got the ticket from Pat Maloney.

his
PHILIP + ERWIN.
mark.

Sworn and subscribed to before me, a notary public in and for the State of Pennsylvania, this 23d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

BRYAN HEFFRON sworn.

I live in East Butler election-district, in Butler Township; I have lived about fourteen years in Butler Township; I have not paid any State or county tax in 1875 or 1876; I paid a State or county tax for 1874; of course I paid it before the October election in 1874. I havn't my naturalization paper with me; that and my tax-receipt was kept by Mr. Haughawant, in the McKibben contested-election-case a week ago.

(The above testimony is objected to by counsel for incumbent, because the tax-receipt and naturalization-papers are the best evidence, and, as they are not produced, the incumbent refuses to cross-examine the witness as to the above and only as to the above.)

I am about fifty-six years of age, as my mother tells me; she lives yet. I came here in 1846; I was born in Ireland; I am about thirty-one years in this country, and that in Schuylkill County, too.

Q. For whom did you vote for Congress at the last November election?

(Objected by counsel for incumbent on the ground that witness, not having been proved to have voted illegally, is not bound to answer the question, and the contestant has no right to ask it, and the ballot being the best evidence, it is incompetent.)

Just as the witness was about to answer the question, Messrs. Minouge and Nash, of counsel for incumbent, instructed the witness that he can answer or not, as he, the witness, thinks best. (This is noted at the request of counsel for contestant.)

A. I voted the packet of tickets given to me with McKibben's name written on the outside; it was in print; I then handed it in the window; I did not open it.

(Objected to by counsel for incumbent as immaterial.)

Q. From whom did you receive that packet of tickets?

(The above objection applies to this question.)

A. I got those tickets from Patrick Brown. I did not hear anything about party; I got the tickets and voted hem, and knew the man that gave them to me.

his
BRYAN + HEFFRON.
mark.

Sworn and subscribed to before me, a notary public in and for the State of Pennsylvania, on the 23d day of January, 1877.

H. K. WESTON,
Notary Public.

Objected to by counsel for incumbent, by agreement, because the naturalization papers and tax-receipts could have been produced by a *subpœna duces tecum*, and the former objections urged against this kind of testimony in examination of a former witness, are hereby restated as in former witnesses.

JOHN CONLIN sworn.

I am not able to answer; I might be forty-six years old or over; I live in East Butler election-district, in Butler Township; I lived there going on 11 years; I was informed I was born in Ireland; I can't tell how many years I am in this country; I cannot recollect the name of the steamer; I don't know whether I came in a steamer or a sailing vessel; I can't tell, and therefore I can't say how many days it took me to come over; I said I couldn't tell how long it took me to come over, whether it took two, three, or four weeks; I can't say whether it took me two months or not; I can't tell how long; I can't tell whether my passage was paid for in this country or in the old country. I landed in New York. Yes; I believe I did. I did not come direct from New York to Schuylkill County; I don't know what place I went to from New York; I don't remember where I first went after leaving New York; I remember coming to Schuylkill County; it was a good long time before I came to Schuylkill County. The first place I settled down in Schuylkill County was in East Butler, and that is about 11 years, as near as I can recollect. I was in Baltimore, I was in New York, I was in Perry County, and many other places that I could not mention before I came to Rappahannock, East Butler. I can't tell how long I stopped in these places, as railroaders don't take much of an account of the places that they have been in.

Q. Tell us as near as you can how long you were in this country before you came to East Butler?

Question by counsel for incumbent. Counsel for contestant, what is the object of this, the above testimony and question?

(Counsel for contestant deny the right of the incumbent's counsel to require us to state the object of any testimony of the witness, and therefore decline to state the object.

(The above testimony is objected to by incumbent's counsel on the ground that it is irrelevant and immaterial to the issue, so far as yet anything appears or is offered to be proved.)

A. I can't tell; I can't form any idea; I can't tell whether I am 25 years in this country. I don't think I am 50 years in this country.

Q. Are you sure that you are not 50 years in this country?

(Objected to by counsel for incumbent as immaterial, as no object is shown.)

A. I am sure I am not 50 years in this country, but the time I am in it I cannot tell. Neither my father or mother came over with me to this

country. I was quite young when my father died; I hardly remember him. My mother was not living when I left the old country. There was some relatives came over with me, but they staid in the New England States. I guess I was not grown up when I came to this country; I don't know what my age was when I came to this country. Some time after I came to this country I did a man's work; I don't remember that I could do a man's work when I came to this country. I voted at the last November election. I have naturalization-papers; I left them at the contest of James *vs.* McKibben.

Q. Can you tell when you were naturalized?

(Objected to by counsel for incumbent, because naturalization-papers have been proved to be in existence, and they can be produced, and are the best evidence. It is a cross-examination of contestant's own witness.)

A. My papers will tell.

Q. What was your witness's name?

(Objected to by counsel for incumbent, that the papers are the best evidence and the record of the court.)

A. My papers will tell; I cannot recollect. I can read and write.

Q. And you can't tell who your witness was?—A. If I could see my papers I could tell.

Q. Was it James O'Donnell?

(Objected to by counsel for incumbent: 1st, that the question is leading; 2d, it's a cross-examination; 3d, the paper is the best evidence; 4th, it is irrelevant and immaterial.)

A. I say I think that was the name. That man did not live in Butler Township; he lived somewheres between Butler Township and Pottsville.

Q. Did you meet him at Pottsville?

(Objected to by counsel for incumbent as leading, and cross-examination, and immaterial.)

A. I met him at the court-house in Pottsville. He didn't send for me to come to the court-house to meet him; I happened to meet him as I would meet other persons. I had no arrangement with him that day to meet him in Pottsville. We had not been butties. We had not been together anywhere that I know of, but he seemed to know me a great deal better than I knew him. I went myself to Pottsville, as I considered it my own business; there might have been some of my neighbors when I went to Pottsville; the cars were full. I had the tax-receipts, county and State, for 1874 and 1875 with me, but I could not find them this morning. I received those tax-receipts that Bryon Monaghan had left at my house, and I said I left the money in the house to pay for them.

Q. Do you know that the tax-receipts were paid for?—A. I left the money at the house to pay for them, but I was not a witness that they were paid for.

Q. For whom did you vote for Congress at the last November election?

(Objected to by incumbent's counsel on the ground that the witness not having been shown to have voted illegally, contestant has no right to put such question, and witness is not bound to answer; 2d, the ballot is the best evidence.)

A. I know McKibben was on my ticket; I can't properly say now for whom I voted.

Q. From whom did you get the ticket you voted?

(Objected to by incumbent's counsel as immaterial.)

A. I got different tickets. I got one from Benj. Thomas; I can't tell

from whom I got the tickets. I can't say now, rightly, which ticket I voted, whether it was a Democratic or Republican ticket.

his
JOHN + CONLIN.
mark.

Sworn and subscribed to before me, a notary public in and for the State of Pennsylvania, on the 23d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to meet at 8 o'clock p. m , January 23, A. D. 1877.

8 O'CLOCK P. M., *January* 23, 1877.

THOMAS FRANCIS sworn.

I reside in East Butler election-district, Butler Township. I voted at the last November election. I partly moved in the summer of 1875, and finished moving in the fall of same year. I was not born in this country; I was born in Ireland. I have paid no taxes for 1875 and 1876 of any kind that I know of. I furnished a tax-receipt at the examination of the James and McKibbin contest, at the Repplier House, I suppose. The date on that receipt was the 6th day of December, 1874, as near as I recollect of.

Question. Have you paid a State or county tax within two years of the 7th day of November, 1876, date of the last election?

(Counsel for incumbent objects, unless it is proposed to prove that this tax-receipt, already proven, was not presented at the last election; irrelevant and immaterial.)

Answer. I don't pay any tax. I did not pay any myself within the two years. I had not presented the receipt before the election-board last November. All bills are collected at the house while I am at work; they are paid by my wife. I am not prepared to swear that she paid the taxes for 1874 or not. When I generally go to the polls I call for the last receipt, and my wife gives it to me. She handed this receipt to me, in this way, at the last election. I did not ask her the question whether she paid it or not. I had the receipt at the polls this last election. I had it in my vest-pocket. I was not asked for my taxes at the polls that I remember. I vote on my father's naturalization papers. My father was naturalized.

Redirect:

I don't know who gave the receipt to my wife, and I don't know who signed the receipt.

(Objected to by counsel for incumbent, that the receipt itself is the best evidence.)

Q. For whom did you vote for Congress at the last November election?

(Objected to by counsel for incumbent, on the ground that the witness not having been shown to have voted illegally, contestant has no right to ask such question, and the witness is not bound to answer; second, the ballot is the best and only evidence as to how the witness voted.

At the request of Mr. Smith, commissioner notes that A. P. Spinney, counsel for incumbent, asked the witness whether he understood the objection.)

A. I don't remember having read the ticket, but I understood the ticket I voted was the whole Democractic ticket.

Recross-examination:

Mr. Welsh's name was to the receipt. I don't know his first name. I was at Centralia, Columbia County, when this tax was paid, or supposed to have been paid. I was living at Centralia at the time. There was State and county and school tax, I believe, on that receipt. I did not read my ticket at the last election that I remember. Nobody read it for me. I could have read it myself if I had thought it necessary.

THOMAS FRANCIS.

Sworn and subscribed to before me, a notary public in and for the State of Pennsylvania, on the 23d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS MCGUIRE sworn.

I live at Colorado, East Butler election-district, Butler Township. I did not vote at the last election, November election, 1876.

THOS. McGUIRE.

Sworn to and subscribed before me, a notary public in and for the State of Pennsylvania, on the 23d day of January, 1877.

H. K. WESTON,
Notary Public.

A. J. PEPPER sworn.

I live at Ashland. Last September I lived at Gordon; I was stopping there. I lived with my sister and brother-in-law. I say I was stopping there. It was optional with me whether I should pay board or not. I was stopping there some six weeks or more. The board was $20 a month, but I paid them $20. I paid them $20 for board. I was teaching at that time about two miles from Ashland, and between four and five miles from Gordon. Previous to that I was stopping with my brother at Ashland, and considered that my home during that time I was in Gordon. My brother lived in the middle ward, borough of Ashland. I moved from Gordon to the west ward of Ashland. I came to Ashland the first Saturday of October, 1876, I think. I did not reside in the middle ward, borough of Ashland, after the first Saturday of October, 1876. I lived with my father in the west or upper ward. About ten days previous to the election I came to the upper or west ward; previous to that I considered the middle ward my home.

Question. Did you live in the upper or west ward, borough of Ashland, ever since you removed from Gordon?

(Objected to by counsel for incumbent as leading.)

Answer. I did. I voted at the middle ward, borough of Ashland, at the last Congressional election—I mean Congress. I have no tax-receipts. I never paid any taxes. I think I was born in 1854, in July.

Q. Has anybody paid taxes for you, for State and county, thirty days prior to the election?—A. I have an idea that my brother has paid them for me; it is not a positive idea. My father did not live in the ward I voted at. My brother lived in the ward I voted. Previous to the time my father came I claimed a residence with my brother. I am a single man. I left my winter-clothing at my brother's until I came back to Ashland. I did not leave any clothing at my brother's when I went to my father's.

Q. For whom did you vote, at the last Congressional election, for Congress, at the last election?

(Objected to by counsel for incumbent, that the ballot is the best evidence.)

A. As far as I can recollect, I voted the whole Democratic ticket.

Recross examination:

I did not read my ticket previous to depositing in the ballot-box. I cannot swear that I voted for any particular person:

Redirect:

I cannot tell positively for whom I voted for Congress. I can't tell whether I voted for James B. Reilly or not. I am a school-teacher. I am teaching school at Rocktown, in Schuylkill County.

A. J. PEPPER.

Sworn and subscribed to before me, a notary public in and for the State of Pennsylvania, on the 23d day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 8 o'clock a. m., January 24, 1877.

By permission of contestant's counsel, counsel for incumbent now object with the same effect as if done at the time of the witnesses to the examination of all witnesses whose election-districts were not specified or set out in the notice served by contestant upon incumbent of taking of depositions in Ashland, commencing on the 23d day of January, 1877, namely, A. J. Pepper, Thomas Francis, Christopher Grogan, John Banett, Patrick Ryan, Patrick McConell, William Ready, Dr. F. J. Emack, John Reardon, Philip Erwin, and John Conlin.

Mr. Smith, counsel for contestant, replies that the several notices served on the incumbent give the township and boroughs, the places of residence of the several witnesses referred to, as required by the act of Congress.

JANUARY 24, 1877—8 a. m.

Counsel for contestant offers in evidence notice of taking testimony, at this time and place, marked "Exhibit D."

THOMAS HORAN sworn.

I live in North Butler election-district, in Butler Township. I have lived there about ten years. I have voted there at the last November election—November 7, 1876. I was in the country in President Pierce's time. I paid my State and county tax, as the receipt shows, for 1875, September 14, 1875.

his
THOMAS + HORAN.
mark.

Sworn and subscribed to before me this 24th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL MULLIN sworn.

I live at Colorado. I vote in East Butler election district, in Butler Township. I voted at the last November election. I have county, road, and school tax for 1875, Norwegian Township, marked "$1.85," dated December 13, 1875. I came to Butler Township and moved there with my family in July, 1874. My wife said she paid the taxes for 1875 to Mr. Monaghan. I won't swear that I paid any, because I was at work. I had the receipt last November at the election; but I lost it. I don't know who gave that receipt to my wife. I don't know to my knowledge whether she paid any money for it. I don't know how long before last election my wife had that receipt. I know I had the receipt one

month previous to the last election. I won't say positively that I had it two months before that. I am the owner of two lots in Jallappa, Schuylkill County; that is the reason I have two tax-receipts for 1875; that is the reason. I think they are just outside of the borough limits. I have naturalization-papers with me. As near as I can tell, I was forty-one years old on last September. I landed in this country in 1845. I came over with my father's family. I came over with my mother and two sisters. My father did not come. I lived at Wadesville for many years.

MICHAEL MULLIN.

Sworn and subscribed to before me, a notary public in and for the State of Pennsylvania, on this 24th day of January, 1877.

H. K. WESTON,
Notary Public.

MICHAEL BROWN sworn.

At the time of the last election I lived in Mahanoy Township. I came there on the 17th day of April last. I did not go to the poll at all on the last election.

MICHAEL BROWN.

Sworn and subscribed to before me, a notary public in and for the State of Pennsylvania, on this 24th day of January, 1877.

H. K. WESTON,
Notary Public.

PATRICK BROWN sworn.

I live in East Butler election-district, Butler Township. I voted at the last election, November election. I have my tax-receipts. I paid the county and State taxes for 1875 on September 14, 1875, Bryon Monahan, collector. This was Thomas Horan's tax-receipt. This is a mistake. This is my tax-receipt for State, county, and school for 1875, dated July 3, 1876, signed Bryen Monahan, collector, for $6.

PATRICK BROWN.

Sworn and subscribed to before me, a notary public in and for the State of Pennsylvania, on the 24th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK ROACH sworn.

I live in Butler Township, in North Butler election-district. I voted at the last November election. When I came to the country I was between seventeen and eighteen years old. I am about thirty years in the county. I came over in 1846. My father and mother told me I was between seventeen and eighteen years old when I came to this country; they told me that when I was in the old country, and was making ready to come to this country.

Question. Since you was a witness in the James and McKibben contest, had you any conversation with any person in relation to your age?

(Objected to by Mr. Nash, counsel for incumbent, because it is a cross-examination of their own witness; 2d, in any event it could only be evidence for the purpose of laying grounds for a contradiction, and this they cannot do with their own witness.)

Answer. No, sir; so far as I know, except I told the old women and my little girl what questions they asked me. I would not swear that I was not over fifty years of age. Outside of what my father and mother said I do not know. I have not got my papers with me. They were left with the commissioner in the James and McKibben contest. James

Knox was my witness. I knew him (James Knox) twenty years before I got my papers, and was twenty years in the country before I got my papers. I did not bring my tax-receipts. I was told to bring them. I did not pay any tax last year. I paid the taxes the year before. I always paid my taxes. I paid them to Bryon Monahan.

(The further examination of the witness is suspended until he produces his tax-receipt.

Counsel for incumbent refuses to cross-examine until the direct examination is concluded.

Patrick Roach went to get his tax-receipts, and failed to return.

H. K. WESTON,
Notary Public.

PATRICK PADDEN sworn.

I live in East Butler election-district, Butler Township. I voted at the last election. I have been living in Butler Township since 1855. I have not my tax-receipts with me. I don't believe I did pay any State or county tax two years prior to the last election. Bryon Monahan was the last collector to whom I paid a tax. I don't know about State or county tax.

Cross-examined:

Question. What year was it that you paid Bryon Monahan State or county tax?—Answer. The best of my knowledge, I paid taxes to him in 1874. In 1875 I was under the doctor's care, and, to my knowledge, I got exempted from taxes in that year. I do not know in what part of the year these taxes were paid to Bryon Monahan; it was my wife that paid. I paid no tax in 1876.

Redirect:

Q. For whom did you vote for Congress at the election November 7, 1876?

(Objected to by incumbent's counsel, 1st, because the ballot is the best evidence; 2d, the ballot not having been shown to have been fraudulently cast, the answer cannot affect the issue.)

A. I voted for James B. Reilly.

Recross-examination:

I can read. I read James B. Reilly's name on it. I had no tax receipt along at the last election.

his
PATRICK + PADDEN.
mark.

Sworn and subscribed to before me, a notary public in and for the State of Pennsylvania, this 24th day of January A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL HALEY sworn.

I live at Preston Hill, North Butler election-district, in Butler Township. I voted at the last election. I guess I am about twenty-five years of age. I did not pay a State or county tax within two years prior to the last election.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to by counsel for incumbent that the ballot is the best evidence.)

Answer. I voted for James B. Reilly for Congress at the last election, November 7, 1876.

Cross-examined:

I have never paid taxes. No one has paid taxes for me that I know of. I have no tax-receipt. I ain't sure I read the ticket I voted. I don't remember that anybody read it for me. I can't tell positively whether I did read it or not. I can't swear positively of my own knowledge that I voted for Reilly for Congress or not. I can't positively swear that I voted for Reilly for Congress. I can't swear positively that I did not vote for Colonel Nutting for Congress. I know I voted for one of the two, Reilly or Nutting.

Redirect:

I voted the Democratic ticket. I am a Democrat.

Recross:

Those that gave me the ticket said it was a Democratic ticket. That is how I know it. Of my own knowledge, I can't swear positively that it was the Democratic ticket.

MIKE HALEY.

Sworn and subscribed to before me this 24th day of January, 1877.

H. K. WESTON,
Notary Public.

JOHN GINLEY sworn.

I live in East Butler, Butler Township. I didn't vote at the last election. I lost my vote.

his
JOHN + GINLEY.
mark.

Sworn and subscribed to before me this 24th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

EDWARD O'NEIL sworn.

I live in North Butler, in Butler Township. I voted at the last election. I lived there about twelve years. I guess I am about thirty-eight years old now, to the best of my knowledge. I can't read. I paid a State and county tax for 1875, receipt dated November 18, 1875, for $3 for State, county, school, and road, signed by Bryon Monahan. This is the last tax-receipt that I had and paid. I was born in this country.

his
EDWARD + O'NEIL.
mark.

Sworn and subscribed to before me this 24th day of June, 1877.

H. K. WESTON,
Notary Public.

MARTIN O'NEIL sworn.

I live in North Butler, Butler Township, and voted. I don't know how old I am. I guess I am between 22 and 23 years. I may be five months over 22 years old. I never paid no tax.

Cross-examined:

My father nor any one else paid no taxes for me that I know of. I don't know the day of the year I was born on. I don't know what month. I don't know for sure that I am five months over 22 years. I don't know for certain how many months I am over 22 years old.

Redirect:

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to by counsel for incumbent that the ballot is the best evidence; second, the ballot not having been shown to have been illegally cast, the answer cannot affect the issue.)

Answer. I don't know any man but Cooper. I asked for a Cooper ticket. I voted that Cooper ticket that was handed to me. I guess I am a Democrat. I didn't know that James B. Reilly ran for Congress.

Recross:

I don't know that Cooper was not the Democratic candidate for President. I know that a Democret will vote the Democratic ticket. Authony Carey gave me the ticket, and I voted it as he gave it to me.

his
MARTIN + O'NEIL.
mark.

Sworn and subscribed to before me this 24th day of January, 1877.

H. K. WESTON,
Notary Public.

JAMES O'NEIL was sworn.

I live in North Butler, Butler Township. I have lived there over 12 years. I am going on 23 years now. I am a brother of Martin O'Neil, the witness. I voted at the last election. I had paid no State or county tax in Butler Township. I never paid any tax but what these receipts show.

(The witness produces two receipts, one dated November 30, 1876, for borough tax for 1876 in the borough of Girardville for $1.50, by G. B. Kiehl, printed to it as collector; the other, dated January 11, 1877, for $3.23, county, State, and school-taxes for 1876, borough of Girardville, signed Jeremiah Gorman. The taxes in these receipts are for property in Girardville that I own. I paid one year before the same as these. I have not the other receipts with me.

Cross-examination:

I paid the taxes the year before to J. Gorman, he is called Darby Gorman, and to John Green. I paid the same taxes, I suppose, as these the other year. Jeremiah Gorman was the collector for taxes for 1875, for the county and State taxes for the borough of Girardville. I had not the tax-receipts along with me at the polls on election-day. I was not challenged for taxes, and didn't produce the receipt.

Redirect:

I cannot tell exactly when I bought this property in Girardville. It can't be over three years ago. I paid the taxes twice on it. I can't tell of my own knowledge that Jeremiah Gorman was the collector of any particular tax for 1875.

Question. For whom did you vote for Congress at the election, November 7, 1876?

(Objected to by counsel for incumbent: First, the ballot is the best evidence; second, the ballot not having been shown to have been illegally cast, the answer cannot affect the issue. It is therefore irrelevant and immaterial.)

Answer. I voted the Democratic ticket as far as I understand.

Recross:

I did not read my ticket. I cannot read. No one informed me how

I voted that I remember of. I voted for Cooper. Indeed, I don't know what ticket Cooper was on. I don't know much about them. I don't know that Tilden was on the Democratic ticket or not. I don't know anything but what I heard people talk. I got the Cooper tickets from Benjamin Smith; he gave me a lot of them to take up on the hills. Patrick Welsh gave me the county ticket, the one that I voted. I am a Democrat.

his
JAMES + O'NEIL.
mark.

Sworn and subscribed to before me this 24th day of January, 1877.

H. K. WESTON,
Notary Public.

Adjourned to 1.30 o'clock p. m., January 24, 1877.

JANUARY 24, 1877—1.45 p. m.

JAMES SWEENEY sworn.

I live in North Butler election-district, Butler Township. I voted at the last election, November 7, 1876. I have no tax-receipts with me. I have some tax-receipts. I paid my taxes for 1875. I have no tax-receipts for my State and county taxes for 1875. When I paid my taxes to the tax-collector he had no receipts with him. I told him any time at all would do for the receipt, and I did not bother him about it since. I paid a State and county tax in 1874; I ain't sure whether it was to Bryon Monahan or Anthony Carey. I have not that receipt with me. I don't know whether it was in August or September, in the year 1874, that I paid my taxes for 1874. I paid my State and county taxes for 1876. I reckon they were paid before he got his duplicate; I mean Bryon Monahan, the collector. I was a witness in a township case at Pottsville, and the witness fees paid my State and county tax. Yes; I told Bryon Monahan to apply my fees to that purpose; that is, to the payment of my State and county taxes. In September, 1876, I did this. I did not get a receipt for it at that time. I got the receipt for it on the 4th of January, 1877. I did not think I needed it or I would have brought it along. It is dated January 4, 1877. He gave me a receipt on January 4, 1877, for the taxes for 1876, because I made a settlement with him at that time for all my taxes.

Cross-examined:

Question. At the time you told Bryon Monahan, in September last, to apply your witness-fees to your county, State, and other taxes, did he agree to do so?—Answer. Yes, sir; I then considered my State and county taxes then paid. Bryon Monahan said it would do for my State and county tax. I told him at that time, in September last, when I got some more money I would pay him all my taxes. When I got some more money I paid him the rest of my taxes; that was on January 4 last. He then gave me one receipt for all my taxes, (State and county.) I paid my county and State for 1875 in 1875.

Redirect:

When I told Bryon Monahan to apply my witness fees to my taxes, I meant my State and county tax. He said he would apply it to my State and county taxes.

Q. For whom did you vote for Congress at the election November 7, 1876?

(Objected to by counsel for incumbent: First, the ballot is the best evi-

dence; second, ballot not having been proven to be illegally cast the answer cannot affect the issue, and is therefore irrelevant and immaterial; third, for the above reason the secrecy of the ballot cannot be violated.)

A. I voted for James B. Reilly for Congress.

Recross-examination:

I read my own ticket and saw James B. Reilly's name on it.

JAMES SWEENEY.

Sworn and subscribed to before me January 24, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK FLANNERY sworn.

I live in the middle ward, borough of Ashland. I voted at the last election. Yes, I have a paper I got for my naturalization-paper. I don't swear that it is my naturalization. I got it to be my naturalization-paper. I can't read or write, therefore I can't tell. I left it at the Repplier House at the contested election of James and McKibben; that is the only paper I got so far as I know. I was born in Ireland. I can't tell day or date when I came to this country. I can't tell whether I came to this country before the war or not.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to by counsel for incumbent: first, the ballot is the best evidence; second, the ballot having not been proven to have been illegally cast, the answer cannot affect the issue, and the evidence is irrelevant and immaterial; third, for the second above reason the secrecy of the ballot cannot be violated.)

Answer. I can't tell for whom I voted at the last November election. I cannot read or write. I cannot swear what person I voted for.

Q. Do you belong to the Democratic party?

(Objected to by counsel for incumbent: first, that the question is leading; second, it is a cross-examination of contestant's own witness; third, for the reasons heretofore given the question is irrelevant and immaterial.)

A. I do not know whether I do or not. I can't read or write.

Q. Are you a Democrat?

(Objected by counsel for incumbent for the last above given reasons.)

A. I don't know whether I am a Democratic or a Republican. I can't read or write.

Q. Do you know James B. Reilly?

(Objected to by counsel for incumbent for the last above given reason.)

A. No, sir; I don't know James B. Reilly.

Q. Did you intend to vote for James B. Reilly?

(Objected to by counsel for incumbent: first, his intentions can be gathered only from his acts; second, the only act material to this issue can be proven by the ballot, which is the best evidence. For the reasons heretofore given, the evidence is irrelevant and immaterial, and the witness cannot be forced to disclose for whom he voted.)

A. It was my will to vote the ticket—the whole ticket—and I don't know which ticket I voted. I was on the beer, and I don't know what ticket I voted. I voted in the middle ward.

his
PATRICK + FLANNERY.
mark.

Sworn and subscribed to before me on this 24th day of January A. D. 1877.

H. K. WESTON,
Notary Public.

ANTHONY MURPHY sworn.

I live in the east ward, borough of Ashland. Yes; I voted at the last election. I voted in the east ward, borough of Ashland. I was born in Ireland, but I can't tell the year I was born. I may be able to go a year under it or over it, or two years. I guess at it. As near as I can tell I am 32 years of age, near about that. I came to this country in the neighborhood of 1861.

Question. Was it after the commencement of the war that you came to this country?

(Counsel for incumbent asks counsel for contestant the object of the testimony.

The counsel for the contestant replies that they are not required to disclose the object, and therefore decline.

Objected to by counsel for incumbent: first, because counsel for contestant declines to state the object of the testimony; second, the question is leading in its character; third, at present it has no relevancy or materiality to this issue.)

Answer. I think the war was started when I came to this country. I cannot state the months or days or weeks that I came to this country. I can't say if it was a year after I came to this country when the war commenced. I was naturalized now. I suppose Mr. Commissioner Houghawhaut has my naturalization-papers now. I gave them to him at the time of the James and McKibben contest. I paid a State or county tax for 1875. I think I paid it to Anthony Lally, if I am not mistaken. I can't tell when I paid my State and county tax for 1875. I paid my 1876 taxes to Anthony Lally at the date of the receipt. (Witness produces State, county, and borough tax receipt for 1876, dated November 18, 1876, for $4.05; signed A. Lally, collector.) This is my receipt.

Q. For whom did you vote for Congress at the election, November 7, 1876?

(Objected to by counsel for incumbent that, inasmuch as counsel for contestant has not shown the witness to be an illegal voter, he is not obliged to divulge for whom he voted for Congress; second, parol testimony is not the best evidence.)

A. My intention was to vote for James B. Reilly. I took the ticket with Mr. Reilly's name on it from off the window; I put it in my pocket along with several more tickets, and perhaps I might have pulled out the wrong ticket when I voted.

Cross-examination by Mr. Marr:

There were a good many mixed Democratic tickets at the polls on that day, and I had some of them myself. I—oh, certainly, I had some Republican tickets in my hand on that day.

Q. Are you sure that you voted for Reilly or not on that day?—A. I put the ticket in my pocket, and to make the thing perfect I would have to read it, which I did not. I had other tickets in my pocket besides the one I voted.

Redirect:

I don't know that I put any tickets with James L. Nutting's name on it into my pocket, but I had some in my hands on that day.

his
ANTHONY + MURPHY.
mark.

Sworn and subscribed to on this 24th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

EDWARD NEARY sworn.

I live in East Butler election-district, East Butler Township. I did not vote at the last election.

his
EDWARD + NEARY.
mark.

Sworn and subscribed to before me on this 24th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES O'NEIL recalled.

Witness produces State, county, and school-tax for 1875, dated December 20, 1875, for $2.40, Jeremiah Gorman, collector. I paid the amount of taxes contained in this tax-receipt on the half lot in the borough Girardville.

Cross-examination:

I don't know for what I paid the taxes mentioned in the receipt just now exhibited. I have paid State and county taxes for the year 1875. I paid the taxes to Jeremiah Gorman and John Green. I am sure I paid these taxes during the year 1875.

Redirect:

Q. Do you know upon what those taxes were levied that you paid to Jeremiah Gorman in 1875?—A. On the property. That property is situated in Girardville.

his
JAMES + O'NEILL.
mark.

Sworn and subscribed to before me on this 24th day of January A. D. 1877.

H. K. WESTON,
Notary Public.

CHARLES GROGAN sworn.

I live in the east ward, borough of Ashland. I voted at the last election. I voted in the east ward, borough of Ashland. I was born in Ireland. I never was naturalized; that is, I never went to Pottsville to swear to my naturalization-papers. I had a paper that I used to carry around as my naturalization-paper, that I called my naturalization-paper.

Question. How did you come into possession of this paper you called your naturalization-papers?

(Objected to by counsel for incumbent, as the witness has stated that he has no naturalization-papers; that he never went to Pottsville and applied for his papers; that therefore the question is immaterial and irrelevant.)

Answer. I got it here in town.

Q. From whom did you get it?

(Objected to by counsel for incumbent as immaterial and irrelevant, and the witness in law is not bound to answer a question that may criminate himself.)

A. I got them from Mr. Steele in his book-store. I couldn't rightly

tell for whom I voted for Congress at the last election. I think I got the ticket I voted from Eddie Loftus; there were five or six of them there; but I think I got them from Eddie Loftus. I intended to vote the Democratic ticket.

Cross-examined:

I can't read or write. I didn't get anybody to read the ticket I voted. I cannot swear for whom I voted for Congress at the last election.

his
CHARLES + GROGAN.
mark.

Sworn and subscribed to before me on this 24th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 7 o'clock p. m. January 24, 1877.

7 O'CLOCK P. M., *January* 24, 1877.

Adjourned to January 25, 1877, at 8 o'clock a. m.

JANUARY 25, 1877—8 o'clock p. m.

MICHAEL NOLAN sworn.

The counsel for incumbent now objects, by permission of contestant's counsel, with the same effect as if made at the time, to the swearing and examination of the following witnesses, sworn and examined on the 24th day of January, 1877, on part of the contestant, because the election-districts in which said witnesses reside were not set forth in the notices served by contestant on incumbent, namely: Charles Grogan, Anthony Murphy, Patrick Flannery, James Sweeney, John Ginley, Michael Haley, Patrick Padden, Michael Brown, and Patrick Brown.

MICHAEL NOLAN sworn.

I live in East Butler election district, Butler Township. I voted at the last election. I paid a State or county tax to Bryon Monahan later than this. This receipt that I now produce is dated September 16, 1874. I am positive that I paid it to Bryon Monahan at his own house, when he lived at Homesville. I disremember what year I paid it to him, but it was later than this. I got a receipt from Bryon Monahan at that time. That receipt may be in the house, or it may be burnt up at the time the house was burnt down to the basement—I mean the house I lived in. It is not as late back as 1873; it is of a later date than this of 1874.

Cross-examined:

I did not pay the State and county tax for 1876 yet. I did pay a tax, State and county tax, on the 16th September, 1874, for 1874, to Ant——

Question. You did pay a State and county tax in 1874 for 1874, and did not pay in 1876; and you paid a State or county tax in a year subsequent to 1874. Now must not that State and county tax that you paid subsequent to 1874 have been the receipt for State and county taxes for 1875?—Answer. Well, I should think it should be. Anthony Carey was collector of State and county taxes for 1874 in Butler Township, of which this election-district forms part. Well, I suppose that Bryon Monahan was the tax-collector after Carey collected the State

and county taxes—I mean that Bryon Monahan was the tax-collector in 1875 of Butler Township.

Q. Do you know of the corrupt use of money to influence voters at the last election during the last campaign in your district, or in any other district in the county?

(Counsel for contestant objects, first, because it is no cross-examination; second, that it is not alleged that James L. Nutting was in anywise concerned with the said corruption or bribery; third, that the witness is not bound to answer the question, as it may tend to criminate himself.)

A. I do. I know that Peter Kenney got $5. He got it from Benjamin Thomas. I suppose it was to be used for working at the polls on election-day. It was to be used in the interest of I. H. James; not in the interest of anybody else. It was not used in the interest of anybody else if it was intended to. Kinney is a Democrat; used to be one anyhow. He was a Democrat that day, with the exception of McKibben. Ben. Thomas received $5 too, and he is a Republican.

Q. Do you know from whom the money came that Thomas and Kinney got?—A. I do not.

Q. Do you know of any other person or persons who have received any money in the last campaign in your election district, or in any other district?

(Objected to by counsel for contestant because the counsel for incumbent does not ask the witness if he knows it of his own knowledge; and he (the witness) cannot give what he does not know of his own knowledge; second, that they have failed (they, the counsel for incumbent) to show that money had been paid for the purpose of influencing votes for James L. Nutting, contestant; third, that it is immaterial and irrelevant.)

A. Charles Dougherty said that he had got some money, and wanted the boys to take a drink. He did not say from whom he received it. I don't know from whom he got it, by hearsay or in any other way. I cannot answer correctly now whether he had said for what purpose he had received the money. It seems to me he said he had some money to spend on the election. I cannot say that he said the amount was $15. He did not say in my presence that the money was to be used for Nutting, Torbert, and James. He was pretty boosy himself. I did not see him spend any money. He did not say from whom he got it. I think he said he got $100, but we did not believe it. I don't know that he worked at the poll or not on election-day. I do know of some others that got money. I got $5 from Ben. Thomas, too, for my influence, I guess, at the polls for James; no, not for the Republican ticket; for James. You could not get me to vote the Republican . I voted for one Republican—James; the rest the whole Democratic ticket—Reilly Alltham, and all the rest except McKibben. I got this money to work for James; that is what I understood. I got it from Benjamin Thomas. They did not say anything about the rest of the ticket, because they knew they had no business to talk to me about the rest of the ticket. Those were all that I know of that received money. Benjamin Thomas is a Republican. He is a Democrat sometimes. He mixes his ticket. Benjamin Thomas worked at the polls that day. He was there from morning until night. He had the same ticket I had, only he voted for Cooper. No; I got some more money that was to be used on that day. I received some other money from Edward Monahan, $10, the same as the last, I suppose. That is the way it went, anyhow. Mr. Monahan did not state in whose interest this money was to be used. I had an

idea myself what I would do. Edward Monahan is a resident of Ashland, and not of that district. I did not have more than three or four, or it might have been five, minutes conversation with him. He told me that he was going to give me $10 the night before, when he passed my house, at one o'clock at night. He did not owe me anything. He gave it to me to work at the polls for James. I think he gave it to me for that purpose, if I am not mistaken. I suppose Ed. Monahan was working for the Republican party in the late campaign. They tell me he was a Republican; that is all I know. I did not get money at any other time during the campaign from anybody. I do not know of any other persons receiving money during the campaign.

Q. Do you know of any other offers of money during the late campaign to any voters in your district, or any other district, to corruptly influence votes?—A. I do not. I can swear on my oath that when Edward Monahan gave me that money he did not ask me to vote for James L. Nutting and the balance of the Republican ticket. I cannot swear that Monahan asked me to vote for any particular individual. He said I should do my best. I knew what it was for. I understood it to be for James. He did not tell me particularly that it was to be used for James.

Redirect:

When Charles Dougherty said he got a $100 I did not believe him myself; I considered it a joke.

Q. For whom did you vote for Congress at the last election, November 7, 1877?

(Objected to by counsel for incumbent: 1st, that the ballot is the best evidence the way the vote is cast; 2nd, the vote not having been proven to have been illegally cast the answer cannot affect the issue; it is therefore irrelevant and immaterial; 3d, for the second of the above reasons the secrecy of the ballot cannot be violated.)

A. James B. Reilly.

MICHAEL NOLAN.

Sworn and subscribed to before me this 25th day of January, 1877.

H. K. WESTON,
Notary Public.

B. F. Crawshaw, clerk, now writes down the testimony.

ANDREW GALLAGHER sworn.

I live at Rappahannock, East Butler Township; I put in a paper I got at the last election; I was born in Ireland; I never went——

Question. Did you ever go to Pottsville to swear to naturalization-papers and take them out?

(Objected to by counsel for incumbent: 1st, that the records of the court is the best evidence, and in the absence of them, or properly certified copy of them, parol testimony is not admissible.)

Answer. No, sir.

Q. Were you ever naturalized? A. Yes, sir; the papers were left in the house; when I came from work they were there.

Q. For whom did you vote for Congress at the last election?

(Objected to by counsel for incumbent, because, 1st, that the ballot is the best evidence of how the witness voted, or the absence of the ballot should be accounted for before parol testimony is introduced as to how the witness voted.)

A. I guess for Dr. McKibbin; I put in the paper as I got it; I got the paper, I think, from Patrick Conroy.

Cross-examined:

It is very little I could read or write either. I could read a little print badly. The day I voted I was looking over the ticket wanting to read it. I knew some of the names on it. I forget whether or not I saw McKibbin's name on for Congress. I forget whether I saw Colonel Nutting's name on for Congress.

Redirect:

I forget whether I saw James B. Reilly's name on for Congress.

Q. Did you intend voting for James B. Reilly for Congress?

(Objected to by counsel for incumbent, because—1st, that the witness's intentions are no evidence of how he voted; 2d, because the witness has already sworn and reiterated it that he voted for McKibbin for Congress; 3d, the question is leading.)

A. I put in the paper when I got it; I did, I guess, intend to vote for James B. Reilly for Congress last November.

Recross-examined:

Q. You are not sure, are you, that you intended to vote for James B. Reilly for Congress at the last election?—A. I guess I was.

his
ANDREW + GALLAGHER.
mark.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

WILLIAM GOFF sworn.

I live in North Butler, Butler Township. I voted at the last election. I paid part taxes for 1875. The full amount of my taxes for 1875 was $3. I paid him $1.50. I did not say what tax I paid this $1.50 for. I applied it as part payment upon the whole of the tax. I paid no State or county tax for 1876.

Question. For whom did you vote for Congress at the last election?

(Objected to by counsel for incumbent, because—1st, that the ballot is the best evidence, or the absence of it should be satisfactorily accounted for before parol testimony is admitted; 2d, because the vote has not been proven to have been an illegal vote, and therefore is the subject of secrecy, and therefore the witness is not bound in law to divulge for whom he voted.)

Answer. I voted for Reilly.

Cross-examined:

I don't know whether all my taxes were for State, county, road, and school purposes; amounted to only $3. That is all he told me. That is, Bryan Monahan told me. That's the only collector who came to me for taxes that year. I don't know for sure that he was the only tax-collector in the township that year. I did not pay my taxes for 1874 the year before. I was not asked last year for my taxes for 1876. The taxes of which I paid were for the year 1875.

WILLIAM GOFF.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

CORNELIUS SULLIVAN sworn.

I live in Girardville borough; I vote in Girardville; I voted there at the last election; I was born in Ireland; I can't tell my age; I think I am about 42 or 43 years of age; I am in this country since 1853; I have my naturalization-papers with me. (Witness produces naturalization-papers issued out of the court of common pleas of Schuylkill County, dated September 24, 1860, Daniel Schoener, prothonotary.) These are my papers; I have paid a State or county tax within two years preceding the last election; I have lived in the borough of Girardville last November a year, I think; I paid taxes in 1876; I haven't the receipt with me, though. (Witness produces tax-receipt, dated August 16, 1875, for school, road, and special tax for the year 1874, amount $2.33, signed Bryan Monahan, collector.) This is my receipt; this is the only receipt I got from Bryan Monahan for 1875; I paid my State or county tax for 1876 after the last (November) election; I paid no State and county tax in 1874; I paid State or county tax for 1874; I paid my 1874 State or county tax on the date of the receipt exhibited; I did not pay a State or county tax for 1875.

(Counsel for incumbent excepts to the examination of the above witness for the reason that the notice served upon incumbent by contestant of the taking of these depositions informs the incumbent that the said witness is a resident of Butler Township, when in fact he is a resident of the borough of Girardville, and was a voter therein at the last election, and that no notice has been served upon incumbent of the examination of any witness from the borough of Girardville.)

Reserving these exceptions, the incumbent proceeds to

Cross-examine:

The receipt in evidence contains the taxes for county and State, as well as school and road tax; I paid road tax, besides that receipt, to a different man; when I paid Bryan Monahan he had neither county nor State blank receipts with him; he represented to me that he collected the county, State, and school taxes on that receipt, and he said he would never bother me about the State or county tax, because I wanted different receipts for State and county; he asked me for taxes for 1875 before I moved from where I was; those were the taxes of 1875 he asked me for.

Redirect:

The taxes marked in this receipt were due for 1874, but I paid them in 1875; Bryan Monahan was collector for State and county taxes for 1874 in Butler Township; I paid road tax in Butler Township; I can't exactly tell you when I paid road tax; I am not certain whether it was in 1874 or 1875 that I paid road tax; Anthony Carey was collector for road tax when I paid the road tax.

Recross-examined:

To the best of my opinion it was some time in July or August, when I paid Carey that road tax; I have a receipt for Carey's tax.

(The counsel for the incumbent objects to all of the foregoing testimony of this witness that relates to the payment of taxes to Anthony Carey by the witness, as the witness now says he has a tax-receipt from Carey for the taxes paid him, and the absence of that receipt not accounted for, and therefore parol testimony to the contents of the receipt is secondary, and not the best evidence the case will admit of.)

Re-redirect:

It certainly was road tax that I paid to Carey.

Question. For whom did you vote for Congress at the last election?

(The counsel for incumbent objects, because, 1st, the ballot is the best evidence of how the witness voted, and the absence of the ballot has not been accounted for; 2d, the witness has not been shown to be an illegal voter, or the vote cast by the witness illegally cast, but the evidence proves that he was a qualified voter, and therefore the secrecy of the ballot-box cannot be attacked, and the witness is not by law compelled to divulge for whom he voted.)

Answer. That I can't answer.

Q. For whom did you intend to vote for Congress at the election?

(Objected to by counsel for incumbent: 1st, in addition to the objections to the question immediately preceding this, we further object that the intentions of the witness are no evidence of how he voted, especially as the witness has already sworn tha the cannot answer the question.)

A. I'm not going to answer that question; I am a Democrat when it suits me; it don't make any difference to you whether I was a Democrat or not at the last election.

CORNS. SULLIVAN.

Copy of tax-receipt exhibited.

BUTLER TOWNSHIP, *August the* 16*th*, 1875.

Received of Cornelis Sulivan two dollars thirty-three cents, in full for school, road, and special taxes for the year 1874.

$2.33. BRYAN MONAGHAN, *Collector.*

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON, *Notary Public.*

Adjourned to 1.30 p. m.

JANUARY 25, 1877, 1.30, reassembled.

PATRICK HOUSTEN sworn.

I live in East Butler, Butler Township; I voted at the last election; I was born in Ireland; I can't tell my age; a man having no date for his age; I can't tell that; a man without learning can't tell his age; about 35 or 36; I'm not very sure; I can't tell how long I am in this country; about 14 years, as near as I can tell, I am in this country.

Question. Are you naturalized?

Answer. I am, so far as I had my papers. I am claiming a citizen. My papers are in the possession of Geo. D. Haughawout, esq., commissioner in the James *vs.* McKibbin contest.

Q. Who was your witness at the time you obtained your naturalization-papers?

(Objected to on the part of the counsel for incumbent: 1st. The papers are in existence and can be produced upon a subpœna *duces tecum*. 2d. Witness cannot be examined in regard to them without first producing the papers, as they are the best evidence as to who was the witness. 3d. The evidence is a cross-examination of the contestant's own witness as to a paper which they have not put in evidence, although in their power to produce.)

A. The day I went down to Pottsville there were more along with me, and I never seen this man before; only he might know me. They called him James Knox. (The last name being suggested by Mr. Monahan, counsel for contestant.)

Q. Then James Knox was your witness?

(Objections by counsel for incumbent: 1st. The question is leading. 2d. The papers themselves if produced will show who his witness was. 3d. Cross-examination of a witness about a paper which is not in evidence, although in the power of the contestant to produce.)

A. Yes. He was in the court-house that day I got my papers. I did not bring my tax-receipts along with me.

Q. For whom did you vote for Congress at the election November 7, 1876?

(Objected to by counsel for incumbent, because, 1st. It is not the best evidence; the ballot is. 2d. The vote not having been shown to have been fraudulently or illegally cast, the answer cannot affect the issue; and the evidence is therefore irrelevant and immaterial. 3d. For the second above reason the secrecy of the ballot cannot be violated, and the witness is bound in law to answer the question.)

A. I put in a full vote—a Democratic vote. I voted for Reilly and his party that was on the ticket. I don't know who was on it; I cannot read or write.

Cross-examined:

I did not read my ticket. Yes, one of them read it for me. It was all right. I couldn't tell who was on the ticket. They mentioned Reilly's name; that's what they said, that Reilly's name was on the ticket. The man who gave me the ticket and told me to put in was the man who mentioned Reilly's name. Nobody read the ticket to me after the man gave it to me to vote. Nobody ever read for me at all the ticket which he gave me to vote. I cannot swear on my oath that I voted for Jas. B. Reilly, except what that man told me.

(The whole of the above testimony in reference to or bearing upon naturalization-papers of this witness is objected to because it is an attempt to impeach a certified copy of a record in which there is no allegation of the signature of the prothonotary to and the seal of the court upon said paper are not genuine. This paper cannot be impeached in a collateral proceeding. Until this record of naturalization be produced the incumbent's counsel decline to cross-examine in regard to it.)

his
PATRICK + HOUSTEN.
mark.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK FEENEY sworn.

I live in East Butler, Butler Township; I voted at the last election; I lost my tax-receipts and have none with me; I paid no State or county tax for 1875 or 1876.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objections by counsel for incumbent because, 1st, the ballot is the best evidence; 2d, the vote not having been proven to be illegal is not material to the issues; the vote being a secret, the witness is not bound in law to divulge it.)

Answer. I voted for James B. Reilly.

Cross-examined:

I can read but not write; I read my ballot at the last election before I put it in the ballot-box; I voted for McKibben and James B. Reilly,

also Colihan; the others I don't remember; there were other names on, but I don't remember them; I recollect these names because I knew these men and because I seen the names on the tickets; I got my ticket from Edward Colihan; I read the ticket after I got it from Edward Colihan; I think it was in 1875 I paid my last taxes; I don't know whether that was for 1874 or 1875; I can't say for which year it was; I am sure it was in 1875 it was paid.

Redirect:

I think it was State and county tax that I paid at that time; I am sure it was State and county tax; I have not got the receipt, it was lost; I paid it to Mr. Monahan; I have paid no tax since that time.

his
PATRICK + FEENEY.
mark.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS FEENEY sworn.

I live at Connor's Middle Patch, Butler Township; I voted at the last election, *i. e.*, November 7, 1876; I will be twenty-two years old 28th of February next.

Question. Did you vote at a regular election held before the one held last November 7, 1876?

(Objected to by incumbent's counsel: 1st, it is immaterial and irrelevant and will not if answered affect the issue; 2d, the witness is not bound to answer the question, inasmuch as the subject-matter is not before the present commissioner of any other except the November election; 3d, it may criminate the witness and subject him to punishment; 4th, in law the witness is not bound to criminate himself and therefore may refuse to answer the question. The counsel for incumbent instructs the witness that he may refuse to answer the question.)

Answer. I did not vote at any other election than the one I voted at last November 7, 1876.

THOMAS FEENEY.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK BARRETT sworn.

I live in East Butler, Butler Township. I voted at last election, November 7, 1876. I was born in Ireland; I couldn't tell how old I am; I going up now to 49, I guess—48 or 49—I couldn't tell which; from what my mother told me, I came to this country in 1853. I was naturalized; I have not got my naturalization-papers with me; they are in the possession of the commissioner in the James McKibbin legislative contest.

Question. Who was your witness when you obtained your papers?

(Objected to by counsel for incumbent: first, it is not the best evidence; second, it is cross-examination on the certificate of naturalization, which has not been produced by the contestant, although he might have done so by a subpœna *duces tecum;* third, parol testimony cannot in this, a collateral issue, be used, inasmuch as the certificate itself and the records of the court may be produced by the contestant.)

Answer. Mr. Gallagher was my witness; that is, for the second papers. I have tax-receipts.

Q. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to by counsel for incumbent, because, first, the ballot is the best evidence; second, it has not been proven to have been an illegal or fraudulent vote, the witness is not bound to answer the question; third, the ballot is secret, and in law the witness may refuse to answer. The counsel for incumbent instructs the witness he may answer or not.)

A. I don't know exactly who I voted for.

Q. From whom did you get your ticket on the day of election, November 7, 1876?

(Objected to by counsel for incumbent, because, first, the fact of the witness getting a ticket from any particular person does not indicate for whom he voted; second, it is a cross-examination of the contestant's own witness.)

A. I got it from Martin Barrett.

Cross-examined:

I have paid taxes for the year 1875.

his
PATRICK + BARRETT.
mark.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

ANTHONY CAREY sworn.

I live in East Butler, Butler Township. I voted at the last election. I was born in Ireland. I have no date to my age and cannot tell how old I am. I am not going to tell you anything I don't know. My age I never heard, not rightly. I won't tell you a thing I don't know. I cannot tell whether or not I am 40 years of age. I have no date, and I can't tell what age I am; I cannot certify to it that I am 30 years of age; I might be over it, but I can't certify to my age at all; I can't tell how many years over 30 I might be; I might, for all I know, be ten years over 30; I can't tell whether I might be fifteen years over 30. To the best of my knowledge I came to this country in 1863 or 1864. I was a married man when I came to this country. I had one child when I came to this country. I was married about two years before I came to this country. I don't remember of ever telling any one how old I was. I should think I was naturalized; yes, I was naturalized. I don't know where my naturalization-papers are; those papers are lost, so far as I know anything about them; I have made diligent search for them and I could not find them.

Question. Who was your witness when you got your papers?

(Objected to by incumbent's counsel, 1st, inasmuch as the witness to his naturalization-papers is a matter of record; that being the best evidence, parol testimony is not admissible nor competent to prove the fact.)

Answer. James Knox. I was State and county tax-collector in Butler Township in 1874. I was not collector of road-taxes in Butler Township in 1874. I did not collect taxes at any other time than 1874, for myself, in Butler Township. I did collect for Mr. Sweeney. I believe it was, as near as I can recollect, 1872 and 1873. It might be 1871.

(At this point the counsel for the incumbent objects, inasmuch as the said counsel has now detected that the name of this witness has been scratched over or erased from the notice served upon the incumbent by

the contestant, to the further examination of this witness and the testimony already elicited from him.)

I have not collected any taxes for Michael Sweeney since 1873.

Q. Did you make a return to the county commissioners of all the parties who did not pay you State or county tax for 1874?

(Objected to by counsel for incumbent; 1st, the return is a matter of record in the commissioners' office, and is therefore the best evidence; 2d, it is irrelevant and immaterial, and does not affect this issue; 3d, it is not material in this issue, and cannot be elicited from the witness because the answer may criminate himself, as it would be evidence against him in any criminal prosecution that may or will be instituted against him. The counsel for incumbent here instructs the witness that he need not answer the question.)

A. No, sir; I did not.

Q. But these parties that you did return to the county commissioners for exoneration did not pay you a State or county tax for 1874?

(Objections by incumbent's counsel. The same objections as to the last question.)

A. No; not to my knowledge.

Q. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to by incumbent's counsel: 1st, it is not the best evidence; the ballot is; 2d, as the voter has not been proven to have voted illegally or fraudulently at the last election, he is not compelled to divulge the secrecy of the ballot, and in law he may refuse to answer the question. The incumbent's counsel here instructs the witness that he need not answer.)

A. I voted the full Democratic ticket.

Cross-examined:

I am not positive that I read my ticket before I voted it. Not to my knowledge; any of them could not have paid me, that I might have forgotten and returned them for exoneration.

Q. Is it not possible that some of the persons whom you returned as not paying taxes, and for whose taxes you were exonerated, may have paid you taxes and you had forgotten it at the time of your return?—A. That is so; I might have forgotten it.

(Counsel for contestant notifies counsel for incumbent that he will proceed to examine witnesses produced in behalf of contestant, and of which notice has been given to incumbent. This notice is given after full argument by counsel for both the contestant and incumbent, and after decision rendered by the commissioner that it is improper to cross-examine upon a matter not elicited in the direct examination of the witness.)

J. F. Minogue, esq., of counsel for incumbent, gives notice that he now withdraws from the case.

Redirect:

To the best of my knowledge I swore to the return I made to the county commissioners of the exonerations in Butler Township for 1874. To the best of my knowledge I did mark opposite the names of the parties on the duplicate those who paid me their taxes.

ANTHONY CAREY.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL MANELLY sworn:

I live in East Butler, Butler Township. I voted at the last election. I was born in Ireland. I may be about 39 years of age; I can't tell exactly. I think I came to this country in 1862; in 1862 or 1863, I don't know which. It will be 14 years next April since I came. I am a naturalized citizen of the United States. I gave my naturalization-paper to the commissioner in the James McKibbin contest, and he has it yet. I got them October 1, 1866, at Pottsville; William Gallagher's name was attached thereto as witness. I voted the full Democratic ticket at the last election. James B. Reilly's name was on my ticket for Congress. I voted that ticket with James B. Reilly's name on for Congress. I read his name on the ticket.

MICHEAL MANELLY.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

ANTHONY KING sworn:

I live in East Butler, Butler Township. I voted there at election of November 7, 1876. I was born, I suppose, as I was told, in Ireland. I can't tell how old I am; I could not swear to any certain age. To the best of my opinion, I was not much younger than 18 nor older than 20 when I came to this country. I couldn't tell how many years I am in this country. The report was, when I came to this country, that "three months' soldiers" were out; that was during the late war between the North and the South. I was not a married man when I came to this country. I call myself a citizen since I got my papers; I used to vote on them, anyhow. James O'Donnell was my witness when I got my papers; I gave this paper to the commissioner in the James McKibbin contest election case held at the "Repplier House." I voted for James B. Reilly for Congress at the last election.

ANTHONY KING.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

A. P. Spinney, esq., appears now as counsel for the incumbent.

JAMES CONROY sworn:

I live in East Butler, Butler Township; I voted at the last election; I was born in County Mayo, Ireland; as near as I can tell, my age is thirty-eight years, or over. I heard others saying that it was in 1862 or 1863 when I came to this country; those who came over in the same year say it was then. I am a naturalized citizen of the United States. My naturalization-papers are now in the possession of the commissioner in the James *vs.* McKibbin contest. I do not know James O'Donnell; he knew me better than I knew him. The way I took it, the day I went to Pottsville for my papers I met Michael Sweeney on the street, and he told me to come in and he would get papers for me; I went in with him; there was a crowd of people there. This man O'Donnell was in, and when he found out who I was, he said he knew me well enough, and he knew my parents in Ireland, (in the old country.) He left the one parish with myself and my parents in the old country. It seemed that he swore for me at that time when his name was on the paper.

(Counsel for incumbent here gives notice that the above evidence was taken under the following objections, which by agreement of counsel are noted at this time with the same effect as if made when the questions were asked, viz: 1. Naturalization-papers of the witness having been shown to exist, they cannot examine as to their contents, the papers being the best evidence. 2. The naturalization-papers of the witness are conclusive of his citizenship until revoked by the power which granted them. They cannot be impeached in this proceeding.

At this time A. P. Spinney, esq., one of incumbent's counsel, withdraws, for the same reasons which the incumbent's other counsel withdrew, after consultation with his colleagues.)

I couldn't tell for whom I voted for Congress at the last election, November 7, 1876. I asked for the Democratic ticket; I couldn't tell now who it was that I asked for it.

his
JAMES + CONROY.
mark.

Sworn and subscribed to before me this 25th day of January A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned until 6.30 p. m.

JANUARY 25, 1877—6.30 p. m.

OWEN MCCLAIN sworn.

(Patrick Cummings, interpreter, sworn.)

I live in East Butler, Butler Township. I voted at the last election. I was born in Ireland. I can't exactly tell what age I am. I cannot read nor write. I can't give any idea at all of my age. I don't know whether or not I am forty years of age. At the last (James-McKibbin case) investigation I did not swear to any age at all. I believe I am a naturalized citizen of the United States. I do not know how old I swore I was when I got my naturalization-papers. I don't know anything at all about the "big wind" in Ireland. You know very well that I am one year old. You know very well that I am ten years of age. I told you before that I do not know what my age is. I know I am more than fifteen, but I do not know my age. I am twenty years of age, you know well enough, but I do not know my age. I do not know whether I am twenty-five years of age. I don't know whether I am thirty years or forty years or what I am; I cannot tell; I have nothing by which I can tell my age; if I had, I would tell you. I do not know by what means or in what way I knew of my age when I swore at the time of taking out my naturalization-papers. I do not know whether I swore to the truth or not when I swore that I came to this country under eighteen years of age. My papers are now in the possession of the chairman of the James *vs.* McKibbin election contest. I was not married when I came to this country. I am not sure whether it was in the beginning of the late war or at what time of it, but at the time there was a war going on in this country when I came to the country. You know well that I was a witness in the James *vs.* McKibbin contest week before last. I left my papers there. I can't tell who I voted for Congress at the election November 7, 1876. The man who got me my papers knew my age better than I knew it myself. I don't know whether, *i. e.*, I don't remember whether this man told me when I got my papers that I was then thirty-eight years of age. The man who got my papers for me was James O'Donnell. I knew James O'Donnell a long time before the day when he got me my papers, but I don't know how long. I knew him a long time before then,

but I don't know how long. I don't know whether James O'Donnell swore to the truth when he swore on the day I got my papers that I was thirty-eight years of age. I don't know what ticket I voted at the last election. I was not able to read it. I got my ticket from Anthony King, that I voted November 7, 1876, and I voted that ticket that Anthony King gave me.

his
OWEN + McCLAIN.
mark.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES ROLAND sworn.
(Patrick Cummings, interpreter.)

I live in North Butler, Butler Township. I voted at the last election. I was born in Ireland. I do not know whether I am fifty-five years of age or more or less than that. I can't tell whether it is twenty-eight or twenty-nine years the 3d day of next month since I came to this country. I did not leave my papers with the commissioner of the James *vs.* McKibbin election contest. I got my papers in Carbondale. I lost my wife and child there. My first papers were lost there at the time of the burning there.

(Witness produces original certificate of declaration of intentions, which reads as follows:)

Copy.

STATE OF PENNSYLVANIA, *ss:*

Be it remembered that at a court of common pleas held at Pottsville, in and for the county of Schuylkill, the 24th day of January, in the year of our Lord one thousand eight hundred and seventy-four, personally appeared James Roland before the said court, who, upon his solemn oath, did depose and say that he is a native of Ireland, now residing in the county of Schuylkill, aged 50 years, or thereabouts, and that it is his *bona-fide* intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court at Pottsville the 24th day of January, in the year of our Lord A. D. 1874.

[SEAL.]

HIRAM MOYER,
Prothonotary.

This is my paper; this is the last paper I got. I do not know for whom I voted for Congress at the last election; I couldn't read the ticket. I got my ticket from James Sweeney. I do not know whether I voted the Democratic ticket or not.

(The counsel for incumbent at this point reappear and occupy their accustomed places.)

Cross-examined by Mr. Marr:

I cannot read or write.

his
JAMES + ROLAND.
mark.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

LAWRENCE CASEY sworn.

I live in North Butler, Butler Township. I voted at the last election. I have some tax-receipts with me. (Witness produces tax-receipt, September 29, 1874, for State and county tax for 1874; amount, $0.75; signed, Anthony Casey, collector.) This is my tax-receipt. I paid no State or county tax for 1875 or 1876. I paid no tax since I paid the one dated September 29, 1874.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Counsel for incumbent objects, because, first, the ballot is the best evidence of how the witness voted; the absence of it not being accounted for, parol testimony is secondary evidence, and not admissible.)

Answer. To the best of my opinion I voted for James B. Reilly.

Cross-examined by counsel for incumbent, (reserving all exceptions:)

I did, in a sort of a way, look at the ticket I voted. I opened it and looked at it; but I can't remember who was on the ticket rightly. I ain't positive of what names were on; but I know I voted for James B. Reilly. I know Mr. Reilly's name was on; I did not take particular notice what other names were on. I looked at the ticket and seen Reilly's name, and then I voted it. To the best of my opinion I got my ticket from Anthony Monahan, of Preston Hill. I have paid no taxes since 1874. I have paid no taxes for 1875 or 1876. The receipt will show when I paid the 1874 tax. To the best of my opinion I paid it in 1874.

LAWRENCE CASEY.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

TIMOTHY BRENNAN sworn:

I live in Big Mine Run, North Butler, Butler Township. I voted at the election of November 7, 1876. I was born on the 19th of April, 1843. I paid no State or county tax for 1874, 1875, or 1876; there was nobody asked me to pay it.

Question. For whom did you vote for Congress at the last election, November 7, 1876?

(Objected to by incumbent's counsel, because, first, the ballot is the best evidence as to how the witness voted; the absence of it not being accounted for, parol testimony is secondary and inadmissible.)

Answer. I voted for James B. Reilly.

Counsel for incumbent, reserving all exceptions, proceeds to cross-examine:

I looked at my ticket before I voted, and read it. I am positive I voted the ticket I looked at.

TIMOTHY BRENNAN.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES LYNCH sworn.

I live in North Butler, Butler Township. I voted at last election, November 7, 1876. I am 24 years old. I have paid a State, or county tax; I paid it in 1874. I paid it on the 29th day of September, 1874. I have paid no State or county tax since that time.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to by incumbent's counsel, because the ballot is the best evidence as to how the witness voted; and the absence of it not being accounted for, parol testimony is secondary and inadmissible.)

Answer. I voted for James B. Reilly.

Cross-examined, reserving all exceptions:

I looked at my ticket and read it before I voted. I have not been asked to pay any State or county taxes the last two years. I have a receipt for payment of my last State and county tax—tax-receipt.

Redirect:

(Witness produces the receipt dated September 29, 1874 for State and county tax for 1874. Amount $0.75; signed Anthony Carey, collector. This is my receipt.

JAMES LYNCH.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

OWEN CANNAN sworn.

I live in North Butler, Butler Township. I voted at last election, November 7, 1876. I am 23 years, and I am not sure whether it is four or five months. I never paid a State or county tax.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to by counsel for incumbent, because the ballot is the best evidence of how the witness voted; the absence of it not being accounted for, parol testimony as to how the witness voted is secondary and inadmissible.)

Answer. I calculated to vote for the Democratic ticket, and I'm most sure I got that ticket.

Cross-examined by counsel for incumbent, reserving all exceptions:

I did not know that there were mixed Democratic tickets in circulation that day. I just got one ticket and voted it. I did not read my ticket. I may have voted a straight Democratic ticket or one that was altered; but I could depend upon the man that gave it to me. I did not hear tell that day of Democrats who were that day distributing irregular Democratic tickets. I did not hear of it since, only when I heard of it at the James *vs.* McKibbin contest.

his
OWEN + CANNAN.
mark.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

HARRY CONNORS sworn.

I live in South Butler, Butler Township. I voted at the last election, November 7, 1876. I was born in Ireland. I think so, anyhow. I I couldn't exactly tell, but I guess I am pretty nearly 30 years of age. I think I came to this country in 1866. I am naturalized. My papers are now in possession of Commissioner Haughawout of the James-McKibbin contest.

Question. For whom did you vote for Congress at the last election, November 7, 1876?

(Objected to by counsel for incumbent, because, first, the ballot is the best evidence as to how the witness voted; the absence of it not having been accounted for, parol testimony is secondary and inadmissible; second, the witness not having been proven to be an illegal voter, or the vote cast by him an illegal vote, the witness is not bound in law to answer the question.)

The counsel for incumbent here instructs the witness may or may not answer if he chooses.

Answer. I suppose I voted the Democratic ticket.

Incumbent's counsel, reserving all exceptions, proceeds to cross-examine:

I say I am near 30 years of age, but can't say exactly; but I do not say that I am 30 years of age. I did not hear of any mixed Democratic tickets at the polls on last election-day. It was my intention to vote the Democratic ticket that day. I did vote it so far as I know. I can read English a little. The ticket was handed to me. I looked at a part of it. I think I know positively that it was a full Democratic ticket that I voted. They told me it was a full Democratic ticket. I seen a part of it, and I thought it was all the same. Mr. Snyder handed me the ticket. I didn't read all the ticket after I got it from Mr. Snyder, but I thought it was all the same.

Redirect:

I can't say whether or not I read the name of James B. Reilly on my ticket.

HARRY CONNORS.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 8.30 January 26, 1877.

JANUARY 26, 1877—8.30 a. m.

PATRICK MCCORMICK sworn.

I live in North Butler, Butler Township. I voted at the last election. I have my tax-receipts with me.

Question. When did you pay the money for the taxes mentioned in this receipt?

(Objections by counsel for incumbent, first, the receipt itself is the best evidence as to when the taxes were paid; second, counsel for contestant having a receipt in his own hands is bound by the receipt, especially as the receipt has been produced by the counsel for the contestant, and as the witness has brought the receipt before the commissioner in obedience to a subpœna *duces tecum* served upon him by the counsel for the contestant; third, that the examination is a cross-examination of his own witness and not allowable.)

Answer. I can't tell; the tax-receipt will tell it there. I paid the taxes long before the last election. I can't tell how long it was before the last election that I paid it; yes, it was two weeks. Well, now, I can't say exactly whether it was three weeks before the last election; no, I am not positive that it was not four weeks before the last election. (Witness produces tax-receipt dated October 7, 1876, for State and county tax for the year 1875; amount $1.50; Bryan Monaghan, collector.) This is my receipt. I never missed paying a tax since I'm in the township. To the best of my opinion I have my other tax-receipts at the house. (Witness produces tax-receipt, dated Butler Township, November 18, 1874, for State and county tax for 1874, $1.50; Anthony Carey, collector.) This is my receipt. I was not born in this country. I was born in Ireland. I couldn't swear exactly to my age. As near as I can tell, I was born in 1838 or 1839. I came to this country in 1853.

Q. For whom did you vote for Congress at the election of November 7, 1876?

(Counsel for incumbent objects, because the ballot is the evidence. His vote is not proven to have been fraudulently or illegally cast. Parol testimony is inadmissible. The answer can't affect the issue. Ballot is a secret; cannot be divulged. Witness, in law, need not answer the question.)

A. James B. Reilly.

Cross-examined:

I paid my taxes named this morning, before the election. I read a little; I never wrote. I paid my tax in installments. I did not get the receipt till I had paid it all. I got my tax-receipt the day I paid the last balance.

his
PATRICK + McCORMICK,
mark.

Sworn and subscribed to before me this 25th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

MARTIN BARRETT sworn.

I live in East Butler, Butler Township. I voted at the last election. I was born in Ireland. I can't tell how old I am. Indeed, I can't give an idea how old I am. I can give no idea at all of how old I am. I was naturalized. I can't tell when I came to this country. To the best of my knowledge I think it was before last war when I came to this country. I can't swear whether they were at war or not when I came to this country. When the burning took place at Rappahannock, next house to me, I gave them to Pat Conroy, and I did not see them since.

Question. Tell us who was your witness when you obtained your naturalization papers.

(Objected to by counsel for incumbent: 1st, the paper itself is the best evidence; their absence not being satisfactorily accounted for, parol testimony is not evidence in the case; 2d, the fact may be proved by the records of the court of this county.)

Answer. James O'Donnell. I knew James O'Donnell first when I came up here to this country. At that time he came up here to see me.

Q. Tell us whether or not you were over the age of 20 years when you came to this country.

(The incumbent's counsel asks the object of the question, and the con-

testant's counsel replies that he is not required to state the object yet, and therefore declines to answer.

Incumbent's counsel objects, the witness having already stated that he had a certificate of naturalization. The fact whether he came to this country under age is a matter of record, and cannot be contradicted by parol testimony or any other testimony in a collateral issue of this character. Second, the testimony may criminate himself, and he is not bound to answer the question.)

A. I told them that before, and tell it now. I don't know what age I was when I came to this country.

Q. Were you a married man when you came to this country?

(Incumbent's counsel objects, because it is cross-examination of the contestant's own witness, and is not allowed in law.)

A. Didn't I tell you before that I was not a married man when I came to this country? I can't tell how long it was after I came to the country that I was married.

Q. Tell us, if you know, whether you are married now.—A. I am married.

Q. For whom did you vote for Congress at the election November 7, 1876?

(Objected to on the part of the incumbent's counsel, because, first, the ballot is the best evidence, and its absence being unaccounted for, parol testimony is not admissible; second, the witness not having been proven to have cast an illegal or fraudulent vote at the last election, he is not bound to divulge the secrecy of the ballot-box, and therefore, in law, he may refuse to answer the question, if he thinks proper. The incumbent's counsel tells witness that he need not answer the question, unless he wishes to.)

A. I'm not going to answer that question. I refuse to answer the question. I voted the Democratic ticket, but didn't know who was on it. I don't know anything about my age.

his
MARTIN + BARRETT.
mark.

Sworn and subscribed to before me this 20th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK SWEENEY sworn.

I live in North Butler, Butler Township. I voted at the last election. I was born November 8, 1851. I have paid no State or county tax within two years prior to the last election.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to by counsel for incumbent. The ballot is the best evidence; its absence being unaccounted for, parol testimony is inadmissible.)

Answer. I say I couldn't tell that. I might have found it out if I had asked. I received my ticket that day from my brother James.

Q. For whom did you intend to vote for Congress at the election of November 7, 1876?

(Incumbent's counsel objects, because his intention is no evidence of the fact that he voted for any particular person.)

A. I didn't intend to vote for any one when I went there first.

Q. When you decided to vote, for whom did you intend to vote for Congress at the election of November 7, 1876?

(Objected to by counsel for incumbent, because, after he had decided to vote, his intention to vote for any particular person is no evidence that he did vote for that particular person.)

A. I intended to vote the Democratic ticket except for Cooper.

Cross-examined:

When I got my ticket from my brother James, I did not read it before I put in the ballot-box. I don't swear of my own knowledge that I voted the Democratic ticket at the last election. I guess Bryan Monaghan collects all the taxes in Butler Township. He knows me well. I think Carey was collector of State and county tax one year since my father died. I think it was 1873 or 1874 that Carey collected the State and county tax; since that Bryan Monaghan collected all the taxes. He has not called on me for any taxes since that time.

Redirect:

Bryan Monaghan might have called at my house without my knowledge, but I think my wife would have told me.

Recross examined:

My wife has never told me that Bryan Monaghan ever called at my house for any taxes.

his
PATRICK + SWEENEY.
mark.

Sworn and subscribed to before me this 20th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK LOFTUS sworn.

I live in East Butler, Butler Township. I voted at the last election. I didn't find last year's tax-receipts; they are in the house some place. I couldn't find them this morning as I was looking for them. (Witness produces tax-receipt dated Butler Township, January 25, 1875, of which the following is a copy:

"BUTLER TOWNSHIP, *January* 25, 1875.

"Received of Michael Mack $0.75 in full for State and county tax for the year 1874.

"ANTHONY CAREY, *Collector*."

This is my receipt. Last year's tax-receipt is in the house. I paid it to Mr. Monaghan, but I couldn't find the tax-paper this morning when I was looking for it. I can't neither read nor write. I have been living in Butler Township where I now live about twelve years, I think. I have been living there constantly during this time. This morning I hunted a good deal through the house for the receipt of tax I paid to Mr. Monaghan, and I found a good many of these receipts, (referring to the one of which above is a copy.) I couldn't find it this morning, and probably if I met with it I couldn't tell on account of not having learning. I couldn't tell what time in last year I paid Mr. Monaghan the tax for 1876. It was paid in last year, anyway. They were paid before I voted at the last election, November 7, 1876. I couldn't tell how long it was before the election when I paid them. I couldn't keep in my memory how long it was. I can't read or write; I can't tell rightly. I paid my tax every year since I came to the country most. I can't tell positively whether I paid my tax for 1875. I can tell you that there

isn't a year mostly since I came to the country that I left my tax unpaid.

Question. For whom did you vote for Congress at the election November 7, 1876.

(Incumbent's counsel objects, because, 1st, the ballot is the evidence, and its absence not being accounted for, parol testimony is not admissible; 2d, the witness not having been proven to have cast an illegal or fraudulent vote, is not bound to divulge the secrecy of the ballot-box; 3d, for the reasons in the second above objections, he is not bond in law to tell for whom he voted, and may refuse to answer the question as a matter of right.)

Answer. The Republican ticket I voted. That's what they tells me that gave me the ticket.

his
PATRICK + LOFTUS.
mark.

Sworn and subscribed to before me this 26th day of January, A. D. 1877.

H. K. WESTON.
Notary Public.

LAURENCE HEFFRON sworn.

I live in East Butler, Butler Township. I voted at the last election. I was born in Ireland. I don't know exactly how old I am. I might be on the borders of 38 or 39—I am not confident of it. I came to this country in 1859. I am a naturalized citizen. My naturalization-papers are in the possession of Commissioner Haughawout, (in the James *vs.* McKibbin election contest.) I paid part of my tax to Bryan Monaghan. I offered him a township order of $3 for my taxes, and he took it in part payment of my taxes. I offered him an order of $3 more, (because he was the treasurer and tax-collector,) and I didn't see him since to get a decided answer from him. I paid Bryan Monaghan some money for 1875 taxes and got no receipt for it. I paid him the sum of $3 in money. I think all my taxes for 1875 amounted to $6 and some odd cents. I did not pay Bryan Monaghan any money for any taxes since the time of my payment for the 1875 taxes. I paid the $3 on account of my 1875 taxes in the year 1875. At the time I paid Bryan Monaghan that $3 I did not tell him to apply it to any particular tax. I said that was a part payment of my taxes.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to by counsel for incumbent, because, 1st, the ballot is the best evidence, and its absence not being accounted for, parol testimony is inadmissible; 2d, the witness not having been proved to have cast his vote fraudulently or illegally, the question is irrelevant and immaterial and will not affect the issue; 3d, for the second above reason the witness is not bound to divulge the secrecy of the ballot-box, and in law may refuse to answer the question, as he thinks proper.)

Answer. I voted for Reilly.

Cross-examined, reserving all exceptions:

It's very little reading or writing I do. I got that ticket from a fellow named Patrick Conroy. He handed me the ticket. He was just at the poll when he handed me the ticket, and I immediately put it into the ballot-box. I knew Conroy was a good Democrat, and I had confidence in him. It's my principle to vote it so. I didn't pass much remarks upon it. It was the Democratic ticket. I did not read my ticket—only

part of it; only opened and read a few of the names, and knew the ticket was right, and put it in. I didn't open the ticket all out. I couldn't swear now that I saw Reilly's name on the ticket. I say now I paid part of my taxes for 1875, in the year 1875, to Bryan Monaghan, but he gave me no receipt. I paid $3 then in part payment of the whole of my taxes. For the 1876 taxes I gave Mr. Bryan Monahan an order of $3 in part paymont for my taxes for 1876. Bryan Monahan did not refuse to accept that $3 order. He took it in part payment of the taxes. I offered him another order in full payment of my taxes for 1876 but he refused to take it. I have no real estate. I don't know whether the $3 I paid iu 1875 was to pay my State and county tax or to pay my school-tax for 1875.

Redirect:

I own a house in East Butler, Butler Township. It is built on the Girard estate.

LAURENCE HEFFRON.

Sworn and subscribed to before me this 26th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

MARTIN MCHUGH sworn.

I live in East Butler, Butler Township. I voted at the last election. I have no tax-receipts for 1874, 1875, or 1876.

Question. Did you pay any State or county tax for 1874?—Answer. I paid $2 for 1875. I can't tell how much the amount of my tax was for 1875. The "old woman" had $2 and she gave it to him. I paid no State or county tax for 1876. I suppose I was born in Ireland. When I came to any memory I found myself there. I can't tell my age. As far as I can understand I'm up to fifty years of age. Coming on the 1st of March I will have been thirteen years in the country. I claim to be a citizen of the United States. I have not got my naturalization-papers with me to-day; I left them at home.

(Counsel for the incumbent objects to the further examination of this witness and also to the testimony already elicited from him, inasmuch as the contestant has served no notice on the incumbent that he, the contestant, would produce this witness or examine him in the issue now pending.)

Adjourned until 1 p. m.

1 O'CLOCK P. M.

I don't call it a house, but a shanty, that I own in East Butler Township. I do not know that my taxes for 1875 were more than $2. I was present when my wife paid the $2. The collector did not say at that time what the amount of my taxes were. I did not ask him how much my taxes were.

Q. For whom who did you vote for Congress at the election November 7, 1876?

(Incumbent's counsel objects, because, 1st, the ballot is the evidence, its absence not having been accounted for, parol testimony is inadmissible; 2d, the secrecy of the ballot-box need not be divulged, inasmuch as the witness has not been proven to have cast a fraudulent or illegal ballot; 3d, for the reasons just stated, in law is not bound to answer the question and may refuse to answer if he thinks proper.)

A. As far as I understand, it was the Democratic ticket I voted.

Cross-examined, reserving all exceptions:

I got my ticket from Patrick Conroy. He was standing a distance from the polls when he gave me the ticket. I walked over and put it in. I did not read the ticket, for I cannot read. I don't know whether it was the Democratic ticket or not, of my own knowledge. I depended on the man who gave it to me. The $2 I paid I did mention which taxes it was for. He gave me no receipt then. I knew Monahan was tax collector for that year. I don't know whether that was the full tax for that year. He has not asked me since then for any taxes. He did not say whether he wanted any more taxes or not. For all I know, I then paid him all the taxes for that year.

his
MARTIN + McHUGH.
mark.

Sworn and subscribed to before me this 26th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN CASEY sworn.

I live in North Butler, Butler Township. I voted at the last election. I have my tax-receipts with me. (Witness produces tax-receipt, dated October 2, 1876, county, State, school, and road, and special tax for 1876; amount, $1.80; signed, Bryan Monaghan, collector.) This is my receipt. I couldn't tell what day of the month it was that I got this receipt. It was after the election, so far as my opinion is, that I got this receipt. I paid all the taxes that the collector demanded of me. I paid a State or county tax for 1875, but I have not got the tax-receipt with me.

Cross-examination:

(Witness now produces tax-receipt for State and county tax-receipts for the year 1875, dated January 24, 1876; Bryan Monaghan, collector.) This is my receipt, (and which is admitted by both parties to be genuine.)

his
JOHN + CASEY.
mark.

Sworn and subscribed to before me this 26th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK GANNON sworn.

I live in East Butler, Butler Township. I voted at the last election. I paid no State or county tax within two years preceding the election of November 7, 1876. I told Edward Colihan to make up a Democratic ticket for me to vote at the last election, (November 7, 1876.) I voted the ticket that Edward Colihan made up for me.

his
PATRICK + GANNON.
mark.

Sworn and subscribed to before me this 26th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL GINLEY sworn.

I reside in North Butler, Butler Township. I voted at the last election. I am going on 25 years of age. I paid State or county tax within

two years previous to the last election. (Witness produces receipt.) I was born in Ireland. I was about 12 years old when I came to this country.

Question. Do you know when your father was naturalized?

(Objected to by counsel for incumbent, because the certificate of naturalization is the best evidence, and its absence not being accounted for, parol testimony is inadmissible. The records of the court are the best evidence.)

Answer. I think it about seven years since my father was naturalized.

MICHAEL GINLEY.

Sworn and subscribed to before me this 26th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS CAVANAUGH sworn.

I live in North Butler, Butler Township, and I voted at the last election. I was born in Ireland. I can't tell about what age I am. I guess I am about 58 years of age; I can't tell exactly. I can't tell exactly how long I am in this country. I am in this country something over 21 years. I got another paper beside this, (referring to naturalization-paper.)

Question. What was the name of your witness who swore for you when you obtained your naturalization-papers?

(Objected to by counsel for incumbent, because, first, it is cross-examination of the contestant's own witness, inasmuch as he has shown his own papers, and is not allowable in law; second, the records of the court which issued the certificate are the best and only proper evidence of the fact as to who was the witness of this deponent when he obtained his certificate of naturalization.)

Answer. Patrick McGrath. He lived at Girardville, and lives there now. I knowed him perhaps nine or ten years before he was my witness.

his
THOMAS + CAVANAUGH.
mark.

Sworn and subscribed to before me this 26th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

MONTGOMERY SHANNON sworn.

I live at Locust Dale, South Butler, Butler Township. I voted at the last election. I have a tax-receipt. (Witness produces the receipt, dated October 1, 1874, for State and county tax for 1874; $0.50; Anthony Carey, collector.) This is my last tax-receipt. I did pay a State and county tax since I paid that named in this receipt. I paid on my property. The property is mine. I sent the money home during the war to build it with. At the same time that I sent the money home, I sent my wife word that she should get the deed put in her name.

Question. Is the deed now in her name?

(Objected to by incumbent's counsel, because, first, the question is irrelevant and immaterial, and does not affect the issue; second, the title is in writing and a matter of record, and therefore parol testimony to prove the fact as to the owner of the property.)

Answer. The deed is in her name now. I never had it altered. I have no tax-receipts with me—the tax-receipts of this property. It is in the

possession of Commissioner Haughawout of the James *vs.* McKibbin contest.

Q. In whose name are these tax-receipts?

(Objected to by counsel for incumbent, because, first, the tax-receipt is the best evidence, and could have been produced by the contestant through the power of a subpœna *duces tecum*, and their absence not being accounted for, parol testimony to prove the fact is inadmissible; second, the witness having sworn that he paid the State or county tax since 1874, the question is irrelevant and immaterial, and will not affect the issue.)

A. I guess in my wife's name. Some in her name, and some in my name, just as I happened to be home.

Q. In whose name are those receipts that were paid for 1875 and 1876 on that property?

(Objected to by incumbent, first, the receipts are the best evidence. The witness having sworn that he paid State or county tax within two years previous to the last election, the question is irrelevant and immaterial, and will not affect the issue.)

A. The one for 1875 is in my name. The one for 1876 is, I guess, in my wife's name, but I never looked to see in whose name the one for 1876 is. The one for 1875 is in my name as agent for my wife.

Q. Did you pay for and receive in your name a State or county tax since 1874, that being the date of the last receipt, October 1, 1874?

(First, it is cross-examination of the contestant's own witness, and the witness having already answered the question under oath; second, it is immaterial and irrelevant to the issue whether he received any receipt or not, providing he paid the State and county taxes within the last two years previous to the last election.)

A. Yes; I have those receipts at home.

Q. Did you pay for and receive a State or county tax-receipt for yourself since the one you received dated October 1, 1874, and not as agent for your wife?

(Counsel for incumbent objects, first, it is cross-examination of the contestant's own witness; second, it is an effort on the part of the counsel to make the witness perjure himself, inasmuch as he has in previous answers over and over again said that he has paid State and county tax during the last two years previous to the last election; third, it may criminate himself; fourth, the question is irrelevant and immaterial, and will not affect the issue, whether he has paid tax or not within the time above mentioned.)

A. I believe not. The old woman paid some.

Cross-examined:

She paid some for me.

Redirect:

Q. For whom did you vote for Congress at the election of November 7, 1876?

(Incumbent's counsel objects, because, first, the ballot is the best evidence; its absence not having been accounted for, parol testimony is not admissible; second, the voter not having been a fraudulent and illegal one, the answer will not affect the issue; third, the ballot is secret, and the witness is not bound to divulge for whom he voted; fourth, and, for the second above reason, he is not compelled in law to answer, and may refuse to do so.)

A. James Reilly. This property is situate in Locust Dale.

Recross-examined, reserving all exceptions:

I was not at the polls all the day on election. I went there and right back. I was not there ten minutes. I had the ticket before I left home. I had but the one ticket. I got that of Snyder before I left in the morning. I can read print very well. I read the ticket before I voted. I did not read all the names on the ticket. I did not take time; it was cold. I read it just before I voted it. I have a distinct recollection now that I saw Reilly's name upon that ticket. I was in the army when I acquired this property. I sent the money home to my wife to purchase it. I earned all the money to purchase that property. My wife was never in any business since I married her by which she could earn any money. The only money she got since I married her was what she got from me. When I was in the army I sent word home to have it put in her name, afraid that something might happen to me. I always considered that my property. All the taxes that was paid on that property was money that I earned. I paid taxes in 1875 in Catawissa Valley, when I was working there. I got no receipt for that tax paid in Catawissa Valley. I paid it to make sure of the election.

Redirect:

Is the deed of this property in your wife's name?

(Objections by counsel for incumbent: first, the deed itself is the best evidence, and its absence not being accounted for, its contents cannot be explained by parol testimony. The deed could have been produced by a subpœna *duces tecum*.)

A. It is, sir. Brandonville is the name of the place where I lived in Catawissa Valley. I considered Locust Dale my home. An old German, by the name of Deeple, was the collector for the tax in Brandonville at the time I paid it.

Q. Were you assessed for the year 1875 in Brandonville?

(Objected to by incumbent's counsel, because, 1st, the registry is the best evidence, and its absence not having been accounted for, the fact cannot be proved by parol testimony. 2d, the registry could have been produced by a subpœna *duces tecum*.)

A. No, sir; I was not. The receipts for 1875 and 1876 on the property are in my wife's name, *i. e.*, State and county tax-receipts. I did not pay a personal State or county tax for 1875 or 1876 in Butler Township.

Re-recross-examined:

I furnished the money to pay the tax on the property in 1875. I furnished the money for both years. My wife paid the tax for both years, because I was not home when the collector came around. There was no assessor came around for 1875. I guess the old assessment ran on. To the best of my knowledge I was assessed in Butler Township for the year 1875. I believe my wife paid some of personal tax when she paid the property tax in 1875. My wife paid the property tax in 1876. My wife may have paid my personal tax for 1876 when she paid the property tax in 1876. I never asked her. I was in Catawissa Valley over a year. I was not there when the assessor came around. I happened to be away with the team. I do not know whether anybody gave him my name when I was away, except Davis done so. I mean Cyrus Davis, who used to live out at Locust Dale, the man I worked for. For all I know, Mr. Davis might or might not have given him my name. I did not know the assessor in Catawissa Valley. I expect Mr. Davis knew him. Of course he would come around on the farm. When the

assessors come around, they generally ask the farmers. It is their place at least. I voted at the election in Catawissa Valley that was held there while I was there. It was a spring election. When I offered my vote there was no objection offered to it. Where I was was among the farmers. The officers knew me very well. I should think the election-officers would not allow me to vote if I was not entitled to vote. I never examined the registry-list out there. I paid my tax there purposely that I might vote there. I am satisfied that I was a qualified voter when I voted there in Catawissa Valley. I couldn't say whether I was on the registry-list; it was only a spring election. I suppose the officers would attend as to whether or not my name was on the registry-list. I can't swear that I was not on the registry-list.

(This party went for his tax-receipt and other papers, and did not return and sign his testimony.)

H. K. WESTON,
Notary Public.

MICHAEL P. LANAHAN sworn.

I live in North Butler Township. I voted at the last election. I was born in Ireland. I have no record of the year I was born. I remember folks said in the old country that I was born in 1839. I can't say for sure. I came in this country on July 8 or 10, 1860. If what the folks said I was 18 years of age. I can't tell exactly how old I was when I came to this country, nor how old I am to-day. I did not pay a personal, State, or county tax in Butler Township two years prior to the last election. I own a lot.

Question. Do you own a lot in Shenandoah?

(Objected to by counsel for incumbent: 1st, the deed is the best evidence of the fact whether he owns the lot or not, and its absence not having been accounted for, parol testimony is inadmissible; 2d, the deed could have been produced by a subpœna *duces tecum*.)

Answer. Yes, sir. (Witness produces a treasurer's receipt. The date is June 5, 1876. It is for county, road and school taxes for the years 1874 and 1875, on lot No. 4, block11 6, assessed to Michael Lanahan; amount, $19.75; signed Cyrus Moore, county treasurer.) That amount of money was paid for taxes levied upon the lot at Shenandoah. I never lived in the borough of Shenandoah.

Q. For whom did you vote for Congress at the election of November 7, 1877?

(Objected to by counsel for incumbent: 1st, the ballot is the best evidence, its absence not having been accounted for, parol testimony is not admissible; 2d, the witness, not having been proven to have voted illegally or fraudulently, need not divulge the secrecy of the ballot-box, and in law is not bound to tell for whom he voted, if he thinks proper.)

A. I had the honor and consolation to vote the full Democratic ticket, including James B. Reilly for Congress.

Cross-examined, reserving all exceptions, &c.:

I stood at the polls the greatest part of election-day last. I was distributing tickets to some of the voters. About noon I saw some bogus Democratic tickets. That was the first I did see. I carried quite a number of full Democratic tickets in my pockets that day. I carried nothing else. I examined every one of the tickets I distributed that day. I examined them when I folded them up. I carried two large bunches of them, one in my inside coat-pocket, and one bunch in my coat-tail pocket, which was inside also. I did not have these tickets folded at

home. I folded them as I gave them out. They were not folded while they were in my pocket, until about four o'clock; the men were coming a little faster then. I used to have about a dozen on hand folded—may be more or may be less. I folded them about four o'clock. When I handed out these folded tickets, I did not examine them all. I did examine two of them. I think it was early in the afternoon when I voted. I know it was in the afternoon some time. I know, I am positive, that I voted before I commenced to fold them tickets. I have a distinct recollection that I read my ticket before I voted it. I read all of the ticket that I voted at that time.

I think from my memory I voted the electoral ticket with Charles R. Buckalew on, and the rest; I think the second was Wilson. I knew this fact from the information I got in reading the ticket just before I voted. I know Bryan Monaghan; he knows me since I was small. The last time I moved from Ashland to Butler Township was in March, 1874. I suppose Bryan Monaghan, the tax-collector, knew me from that time until now, as living in Butler Township. I don't think Bryan Monaghan was tax-collector all the time in Butler Township, since March, 1874. I know he has collected the road and school tax for 1874. I know he did not collect the county and State tax for 1874, but I think Anthony Casey did. I think Bryan Monaghan collected all the taxes for 1875 in Butler Township. There was no other (to my knowledge) of any other collector but Monaghan in Butler Township, in 1876. Bryan Monaghan never asked me for any taxes in Butler Township for 1874, 1875, 1876. I was not assessed in Butler Township in 1874, so the assessor told me; I could not tell you whether I was assessed in Butler Township in 1875, but I know I was in 1876, because I saw my name on Bryan Monaghan's duplicate. I paid the taxes on the day of the date mentioned in my Cyrus Moore treasurer's receipt. There is $5 county tax mentioned in that receipt.

MICHAEL P. LANAHAN.

Sworn and subscribed to before me this 26th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 6.30 p. m.

6.30 P. M.

THOMAS MCGATH, sworn.

I reside in Middle ward, borough of Ashland. I voted at the last election at the Middle ward poll. I paid taxes in the fall of 1874; I was sick all of 1875; the tax-collector did not ask for taxes from me for that year; I paid no taxes for 1875. I did not myself pay any State or county tax for 1876.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to by counsel for incumbent, because, 1st, the ballot is the best evidence; its absence not having been accounted for, parol testimony is not admissible; 2, the witness not having been proven to have cast a fraudulent or illegal vote, he is not bound to divulge the secrecy of the ballot-box; 3, for the two above reasons he is not bound to tell for whom he voted unless he chooses to do so.

Answer. My intention was to vote the Democratic ticket.

Cross-examined:

I got my ticket that I voted from Anthony Fimley; he walked over from the opposite side of the street and gave me the ticket; then I

walked over to the polls and put it in. I could not read my ticket. I don't really know for whom I voted; I only had the other man's word for it. Anthony Lalley paid my State and county taxes for the year 1876. I have my receipts with me.

(Receipt exhibited, dated October 2, 1876. State and county tax for 1876. Amount $1.75. Anthony Lalley, collector.)

Anthony Lalley paid this for me.

Redirect:

I can't read. Anthony Lalley is the man who gave me this receipt. He was the tax-collector. I don't know whether he is a tax-collector or not. Of course, I suppose he was for last year.

Q. Did you get this tax receipt in the morning that you testified in the James-McKibbin contested-election case, at the Repplier House, or not?—A. That is the morning I got it.

(Objected to by counsel for incumbent, because the receipt is the best testimony as to when the taxes were paid. It is irrelevant and immaterial, and will not affect. If his taxes are paid at the proper time, it matters not whether he received the receipt or not.)

It was since the election that I got the receipt. I was born in Ireland; as near as I can get to it, in the year 1844 is the time when I was born. I came to this country in the spring of 1863. My naturalization-papers are in the possession of Commissioner Haughawout, in the James *vs.* McKibbin case.

his
THOMAS + McGRATH.
mark.

Sworn and subscribed to before me this 26th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK MULLIN sworn.

I live in South Butler, Butler Township. I voted at the last election. I was born in Ireland in the year 1844, I suppose, as near as I can judge it by my parents. I came to this country in 1862. I was born between the 9th and 12th of March. I believe it was in the month of June, 1862, when I came to this country. I have not got my naturalization-papers with me; I did not think they would be needed here to-night.

Question. How many naturalization-papers did you get?

(Objected by counsel for incumbent, because, 1st, the papers themselves are the best evidence, or either of them will answer the question; 2d, their absence being unaccounted for parol testimony is not admissible to prove their existence in this collateral issue; the paper or papers are a matter of record.)

Answer. I got my full papers at once. I got them at Pottsville. George McGinnis was my witness. I got them September 26, 1872.

(The counsel for incumbent objects to this testimony, for reasons previously assigned touching these papers.)

Redirect:

Q. For whom did you vote for Congress at the election November 7, 1876?

(The usual objections are here made by counsel for incumbent. The witness answers: "Who were the Congressmen?" Counsel for contestant here informs the witness publicly that the candidates were James

B. Reilly and James L. Nutting. Counsel for contestant now asks the witness who he voted for.)

A. I voted for James B. Reilly.

Cross-examined:

I live in South Butler, Butler Township. I made my own ticket up to suit me. I can do a little at reading and writing. I looked at some of the names on my ticket before voting it, but I can't remember them all now. I took time enough to study how I was going to vote. I remember seeing James B. Reilly's name on the ticket I voted.

his
PATRICK + MULLIN.
mark.

Sworn and subscribed to before me this 26th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 8.30 a. m. January 27, 1877.

JANUARY 27, 1877—8.30 a. m.

THOMAS MURPHY sworn.

I live in the middle ward, borough of Gilberton. I lived there at the time of the election, November 7, 1876. I lived in the same place ever since the borough is divided into wards. I did not vote at all at the last election, November 7, 1876. I know of several Thomas Murphys in the borough of Gilberton. If a man by the name of Thomas Murphy did vote there it was not me.

Cross-examined:

I wasn't at the polls. I don't know of any Thomas Murphy who did vote there. I was working that day.

THOMAS MURPHY.

Sworn and subscribed to before me this 27th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

WILLIAM SMITH sworn.

I live in the middle ward, in the borough of Gilberton. It was the middle ward at the last election-day. I don't know whether it is now or not. I have lived in the same place I now live three years next October or September. I voted at the last November election. I voted in the middle ward. I have my tax-receipts with me. The election where I voted was held at the house of Francis McKeon.

his
WILLIAM + SMITH.
mark.

Sworn and subscribed to before me this 27th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS HERRICK sworn.

I live in Gilberton, between the Tunnel Colliery and "Flour Barrel" in the middle ward, if you call that the middle ward. I guess I have lived there going on 8 years, as near as I can judge. I did not vote at the last November election.

Question. Do you know of any other man by the name of Thomas Herrick in the borough of Gilberton?

(Objected to, and the contestant's counsel admits all legal objections, as if stated at large.)

Answer. No, sir; I do not know of another man by the name of Thomas Herrick in the borough of Gilberton.

THOMAS HERRICK.

Sworn and subscribed to before me this 27th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

MALACHI FARRELL sworn.

I live in the middle ward, borough of Gilberton. I voted at the last election. I voted in the middle ward at the house of Francis McKeon. I was not at the election-poll in the west ward. I think the election in the west ward is generally held at Snyder's, so far as I know; has been every time I voted there. I did not vote at the west-ward poll at the election of November 7, 1876. I came to Gilberton in the fall of 1864.

(Witness produces tax-receipt dated September 20, 1876, for State and county tax for 1876, $3, Francis McKeon, collector.)

This is my receipt. I have paid other State or county tax within two years. I have paid my taxes right along.

Cross-examined:

I can't swear positively that the last election in the west ward was held at Snyder's. I have not been down there lately. I was not down there on election-day. I have paid State or county tax for the year 1875.

Redirect:

I know where the Stanton Colliery is. I was not informed as to where the line is that divides the middle and west wards; that was before the election.

Q. If the line is right by the Stanton Colliery, or immediately east of it, in which ward do you live?—A. On them conditions I live in the west ward.

Q. For whom did you vote for Congress at the last election, November 7, 1876?

(Counsel for incumbent objects, because the incumbent has not been served with a notice that this witness was to be examined before this commissioner. Also objects to the above question. Contestant's counsel admitting the objections with the same force and effect as if stated at large.)

A. I decline to answer that question. I now answer that I voted for James B. Reilly. I worked all day till evening. It's more than I can tell from whom I got my ticket. The party I got it from was near the polls, and this same party was distributing Democratic tickets. I had brains enough myself to know what the Democratic ticket. I had confidence in that man that gave me the ticket. I read my ticket before I put it in. I have a distinct recollection now of some of the names on that ticket. I was not there when the viewers were up there to divide the borough into wards.

Q. The common report in the borough of Gilberton, after the viewers had met there, that the line between the west and middle wards was at Bear Ridge Colliery, running north and south?—A. Yes, sir; that was the report. I had some conversation on the subject of said dividing

line. We talked freely about it before the election, after the viewers were there. I heard no one expressing any doubt on the subject; not one.

Q. To the best of your knowledge and information, did you live in the middle ward of the borough of Gilberton at the last election?—A. I did.

Q. Did you ever hear anything to the contrary, to your knowledge, on the subject of the dividing line between these two wards, until you came here this morning?—A. I have heard a little rumors about it these last two or three weeks. All the rumors I heard on the subject, contrary to my knowledge and information, has been since the last election, November 7, 1876. I never heard a word about it previous to the last election, except that the Bear Ridge Colliery, No. 2, was the dividing line.

Redirect:

Q. Why was this frequent conversation about the division of the borough, if there was no dispute about the lines?

(Objected to as cross-examination of the contestant's own witness, and all the other leading objections.)

A. I never said there was any conversation about it before the election.

Recross-examined:

I mean that there was no dispute about it whatsoever before the last election. It was clearly understood by all parties that the line was cut at Bear Ridge, No. 2. There was some conversation on the subject, because the viewers were up there and divided the borough before the election.

Redirect:

Q. Give us the names of the parties who understood the line to be at Bear Ridge.

(Objected to by consent of contestant's counsel. All legal objections to this question are here entered and understood.)

A. There's Patrick Dougherty, John Shanley, Isaiah Lytle, S. E. Seamau, Matt. Farrel, and several others, too numerous to mention.

MALACHI FARRELL.

Sworn and subscribed to before me this 27th of January, A. D. 1877.

H. K. WESTON,
Notary Public.

William Smith recalled.

If the line is right east of the Stanton Colliery, which divides the west and middle wards of Gilberton, then I live in the west ward.

(Counsel for incumbent objects to above answer, and by consent of contestant's counsel all legal objections are entered thereto and understood.)

Question. Who did you vote for, for Congress, at the election of November 7, 1876?

(Objected to; the counsel for contestant admits all legal objections to this question, as if fully expressed on the record.)

Answer. I want you to show me the authority to compel me to answer that question, before I answer it.

(The incumbent's counsel, John F. Minogue, instructs the witness that he need not answer the question.)

A. I voted for James B. Reilly.

Cross-examined:

I worked until about one or two o'clock. I was not at the polls all day. I got my ticket from some party near the polls. I don't recollect from whom; I couldn't swear to it. I had a couple of hundred other tickets in my pocket. I know there were some spurious or mixed Democratic tickets out on the day of election. I couldn't tell that any parties were distributing them there that day. I mixed some myself. I was a Cooper man myself, and gave them to the men who wanted them. I have a distinct recollection of reading my ticket before I voted it. I don't trust no man with my ticket. I never heard of any dispute whatsoever about the dividing line between the middle and west wards of the borough of Gilberton previous to the last election. As far as I know all parties agreed that the dividing line ran north and south at Bear Ridge, No. 2. To the best of my knowledge the rumors I have heard were these last two weeks. I'm not aware that I heard any dispute on the subject of the dividing line previous to the last two weeks. I had no object voting in the middle ward that could not be accomplished by voting in the west ward. I'd just as leave vote in one ward as in the other, that is if I had the right to vote there. I voted where I thought I had the legal right to vote.

his
WIILLIAM + SMITH.
mark.

Sworn and subscribed to before me this 27th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN C. MURRAY sworn.

I live in the borough of Gilberton.

(The incumbent objects to the examination of this witness, because no notice has been served on him by the contestant of the examination of this witness, and all other legal objections by consent.

Counsel for contestant asks to note that the incumbent is not present at this examination, and that the objection above made is made by Mr. Minogue, of counsel for incumbent, and who appears here to cross-examine the witness. Further, the counsel for contestant offers in evidence notice of the taking of the testimony of this and other witnesses served upon A. P. Spinney, esq., and John A. Nash, esq., of counsel for incumbent, who appeared during the examination of witnesses at this place to cross-examine the witnesses examined.

Counsel for incumbent, J. F. Minogue, esq., now present, states of his own knowledge that the above-named gentlemen, A. P. Spinney, esq., and John A. Nash, esq., refused to accept notice of witnesses who were to be examined by this commission, and stated to the counsel of the contestant, W. R. Smith, esq., that they, incumbent's counsel, would not accept such notice, and stated to said Smith, that he or the contestant must serve notice on the incumbent, personally.

Notice above referred to, and offered by counsel for contestant, is marked "Exhibit E.")

I know where the line is that divides the middle and west wards.

Question. Is the line near the Stanton Colliery?

(Incumbent's counsel objects to this as leading cross-examination, and all other legal objections, by consent of contestant's counsel, as if fully expressed.)

Answer. No, sir; it's not to my knowledge.

Q. If the line is just east of the breaker of the Stanton Colliery, in which ward do you reside?

(Counsel for incumbent objects. The objections, by consent of contestant's counsel, to have same effect as if stated at large.

J. F. Minogue, esq., counsel for incumbent, does not agree to this; but in the absence of incumbent's senior counsel submits to it as the best he can do under the circumstances.)

A. According to that statement, I reside in the west ward. I voted at Francis McKeon's, and that is in the middle ward, according to my knowledge. If the line is at the Stanton Colliery, Francis McKeon's is still in the middle ward.

Q. Who did you vote for for Congress at the election of November last?

(Counsel for incumbent objects. The objections, by consent of contestant's counsel, to have the same effect as if stated at large.)

A. I voted for James B. Reilly.

Cross-examined:

I was not at the polls all day; I worked that day and voted in the evening after I came from work. I went into Mr. McKeon's house and got a ticket from off the bar. The ticket was open when I got it, a regular sheet. I cut it out myself, that is, the county ticket.

To the best of my knowledge, I lived in the middle ward of the borough of Gilberton on the day of election. To the best of my knowledge, I found out where the line was; Bear Ridge No. 2 was the line for the middle ward, for the east part; I couldn't tell how far it went east, I never inquired. The residents in that neighborhood had some conversation on the subject previous to the election. As far as I know, it was thoroughly understood by all the residents in that neighborhood that the line was at Bear Ridge Colliery, No. 2. I did not see the viewers there. I cannot tell correctly how long it was before the election that the viewers were there to divide the borough. It was about a month or so before the election that I heard it. Previous to the election and on the day of the election there was no dispute as to the dividing line, so far as I know of. My vote was challenged; there were no objections because I lived in another ward, as long as I showed my receipts. There were no objections to my vote because I lived in another election-district. I was challenged for my tax-receipts, to know whether I was a citizen or not.

Q. Did all the residents who lived east of the Bear Ridge Colliery No. 2, or in the middle ward of the borough of Gilberton, vote in the middle ward at Francis McKeon's?—A. To the best of my knowledge, all the citizens of the middle ward east of the Bear Ridge Colliery voted at Francis McKeon's. I did not know of any voter who voted at Francis McKeon's to have been challenged for the reason that he did not live in the middle ward.

Redirect:

The middle ward lies east of the west ward. Bear Ridge Colliery No. 2 is west of the Stanton Colliery. If the line is at the Stanton Colliery, then the line dividing the east and west wards is about 200 yards farthest east than I thought it was, to the best of my knowledge. I did not survey it.

Recross-examined:

I had no object in voting in the middle ward that I could not have accomplished in voting in the west ward. I voted where I thought I had a legal right to vote at the last election. All the voters in the neigh-

borhood, or those who lived near me, so far as I know of, voted at the house of Francis McKeon, in the middle ward.

JOHN C. MURRAY.

Sworn and subscribed to before me this 27th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 1 o'clock p. m., January 27, 1877.

1 P. M.

JOHN JACOB MOYER sworn.

I live in the borough of Gilberton. If the line dividing the middle and west wards is east of the Stanton Colliery, then I live in the west ward. I live west of the Stanton Colliery breaker. I voted at the last November election. I voted in the middle ward, at the house of Francis McKeon.

Question. For whom did you vote for Congress at the last November election?

(Counsel for incumbent objects. The objections, by consent of contestant's counsel, to have same effect as if stated at large.)

Answer. I voted the Democratic ticket. I know that James B. Reilly was a candidate for Congress on the Democratic ticket, and I voted for him.

Cross-examined;

I saw James B. Reilly's name on the ticket I voted. I knowed that where I lived belonged to the middle ward. Every one that lived where I do voted in the middle ward. I don't know the name of the street I live on. I can't tell for certain how long before the election the jury were there to divide the borough into wards. I didn't concern myself about it. It wasn't long before the election; not very long, I don't think. I couldn't say how long it was, but it wasn't very long before the election. I think I heard that it was a month or two before the election. I recollect of having some conversation before the election about the division of the borough. All what I heard was that me and my neighbors belonged to the middle ward. No person I spoke to of it said anything contrary to this prior to the election. I can't remember of any dispute about the dividing lines. I don't bother any about politics or such matters. I heard it to-day that there was a dispute about the dividing lines in the Gilberton borough. For the first time I heard it to-day. I voted where I thought I had a legal right to vote. There was no objections made to me because I didn't live in the ward; they just asked me for my tax-receipts. It would be all the same to me where I voted, if I voted where I had the legal right to vote. I voted the English ticket. I can read a little English. I recollect now that I saw Reilly's name on the ticket when I voted it.

his
JOHN JACOB + MOYER.
mark.

Sworn and subscribed to before me this 27th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN GANNON sworn.

I live in the borough of Gilberton. I live west of the Stanton Colliery. If the line is just east of the Stanton Colliery, then I live in the west ward. I voted in the middle ward, at Frank McKeon's.

Question. For whom did you vote for Congress at the last November election?

(Counsel for incumbent objects. The objections, by consent of contestant's counsel, to have same effect as if stated at large, and that incumbent has no personal notice of the intended examination of this witness.)

Answer. I can't read, but I voted, I believe, for James B. Reilly.

Cross-examined:

I worked my day and went to the polls after I washed, and then voted. I got my ticket from James Murphy, who stood near the polls. Very soon after getting it I put in my vote. I did not read my ticket; I couldn't read it. I do not swear positively that I voted for Reilly. From all the information I had on the day of election, I voted in the middle ward, in the borough of Gilberton. I can't exactly say, but I believe it was not long before election that the division was made; just before the election.

Just before the election I heard the people talk about the division of the borough into wards. According as I understand, the line was some place there by Bear Ridge Colliery No. 2. All whom I heard speak of it agreed that the line was some place there, I can't exactly say; none that I heard speak of it said the line was at the Stanton Colliery. All who lived (that I knew) east of Bear Ridge Colliery No. 2 voted in middle ward, at Francis McKeon's. I voted in middle ward, at McKeon's. There was no objection to my vote, for all who lived there voted there. They didn't object to me because I lived in another ward; they objected to my vote because I had no tax-receipts along. They took my vote before I showed my tax-receipt. I had intended to vote where I had a legal right to vote. It made no difference to me where I voted. I had no object in voting in the middle ward that I could not accomplish in voting in any other ward.

his
JOHN + GANNON.
mark.

Sworn and subscribed to before me this 27th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

CORNELIUS SULLIVAN sworn.

(Incumbent's counsel objects to the examination of this witness, inasmuch as no personal notice was served that the witness would be examined.)

I live in the borough of Gilberton. I live to the west or this side of the Stanton Colliery.

Question. If the line dividing the west and middle wards is at the Stanton Colliery, do you live in the west ward?

(Incumbent's counsel objects. It is a cross-examination, and by consent of contestant's counsel all other legal objections are admitted as if stated in full.)

Answer. I don't know which of them I live in; I don't know anything at all about it. I didn't vote at any poll the last election.

Q. Do you say that you did not vote at all at the election held on the 7th of November, A. D. 1876?

(Incumbent's counsel objects. It is a cross-examination of his own witness, and by consent of contestant's counsel all other legal objections are admitted as if stated in full.)

A. I didn't vote at all on that day. I know of no other Cornelius Sullivan in the borough of Gilberton, or Con Sullivan.

(The foregoing answer objected to by incumbent's counsel, as to whether there is another Con. Sullivan or not, because it is not the best evidence, and by consent of contestant's counsel all the legal objections are admitted as if stated in full.)

Q. How long have you lived in the borough of Gilberton?

(Objected to, &c. It is a cross-examinatson, and will not affect the issue; and by consent of contestant's counsel all the legal objections are admitted as if stated in full.)

A. To the best of my opinion, I have been living there about 7 years.

his
CORNELIUS + SULLIVAN.
mark.

Sworn and subscribed before me this 27th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PHILIP HAGERTY sworn.

(Incumbent's counsel objects to the examination of this witness because the contestant's counsel had served no personal notice to incumbent that he would be examined before this commissioner as a witness.)

I live in the borough of Gilberton. I live west of the Stanton Colliery.

Question. If the line dividing the middle and west wards is at the Stanton colliery, and all west of the line is embraced in the west ward, then you reside in the west ward?

(Incumbent's counsel objects. It is a cross-examination of the contestant's own witness, and by consent of contestant's counsel all legal objections are admitted with the same effect as if stated at large.)

Answer. Then I lived in the west ward. I voted in the middle ward, at the house of Frank McKeon.

Q. For whom did you vote for Congress at the election November 7, 1876?

(Incumbent's counsel object, and by consent of the contestant's counsel all legal objections to have the same effect as if stated at large.)

A. I voted for James B. Reilly.

Cross-examined:

I was not at the polls all day on election-day.

Q. To the question, "For whom did you vote at the last election for Congress," would you have told us, if the commissioner had not told you that you must answer?—A. I would not have told you.

Q. Would you have refused to answer if you thought the law would protect you in refusing?—A. Yes; I would refused. The ticket I voted, I don't remember who I got it from. I always read my ticket before I vote it. I read my ticket at the last election before I voted it. I had more tickets in my pocket than the one I voted. To the best of my opinion, it might be 6 or 8 weeks before the last election that the borough was divided into wards. At time of the division there was considerable conversation on the subject. All agreed that I heard of that the division line was at Bear Ridge No. 2. That division would place me in the middle ward. Previous to and on the day of election I believed that was the dividing line, and I believe it yet, too.

This night a week ago I first heard of the dispute about the line, having seen it in the Shenandoah Herald. All I heard speak of it prior to then believed the line was at Bear Ridge No. 2. When I

voted there was no objections made because of my living in another ward. There were none of the election-officers lived between the two breakers. All the election-officers of the middle ward lived east of the Stanton Colliery. The officers were appointed by the court. I voted where I thought I had a legal right to vote. I could have accomplished all I wanted by voting in the west as well as by voting in the middle ward. We all understood the middle ward to be our voting-place.

PHILIP HAGERTY.

Sworn and subscribed to before me this 27th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN GALLAGHER sworn.

I live in East Butler, Butler Township. I voted at the last election. I can't exactly tell my age. I guess I am over 40 years old, anyhow. I am not over 50. I cannot say that I am not over 45. I came to this country in 1861. I did not bring my naturalization-papers with me. I lost them, and could not find them. I have had naturalization-papers. I can't tell from what court they were issued.

(The last answer and the question of which it is the answer objected to by incumbent's counsel; the papers themselves are the best evidence.)

I got them in 1864. That was the first copy I got in 1864. I got them in this county, at Pottsville. I was at Pottsville myself to get them. To the best of my opinion, I got the second paper in 1868, and I got that in Pottsville.

Question. Who was your witness?

(Objected by incumbent's counsel, and by consent of contestant's counsel all the legal and all other objections to have the same effect as if stated in full; and, further, that the record is the best evidence.)

Answer. Michael Sweeney; he lived in Big Mine Run then; he is dead now.

his
JOHN + GALLAGHER.
mark.

Sworn and subscribed to before me this 27th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

J. H. DAVIDSON sworn.

I reside in the borough of Gilberton. I am a justice of the peace. I know where the line is dividing the west from the middle ward in the borough of Gilberton. The line dividing the west ward from the middle ward is a little east of a Polander's shanty, that is, about 20 yards east of the shanty, and about 120 yards east of the Stanton Colliery breaker, commonly known there as Miller & Hock's breaker. All west of that line in the borough of Gilberton comprises the west ward. I know John J. Meyer. He lives in the west ward. I know J. Meyer. He lives in the west ward. I know Thomas Murphy. He lives in the west ward. I know Thomas Herrick. He lives in the west ward.

William Brennan lived in the west ward at the last November election. I think he lives in the middle ward now, but I am not positive. I know Con Sullivan. He lives in the west ward. I know Philip Hagerty. He lives in the west ward. I know William Smith. He lives in the west ward. I know John C. Murray. He lives in the west ward.

I don't know John Gannon. I am not acquainted with Malachi Farrell, but I know where his property is, and where he lives in his own house in the west ward. I have lived in Gilberton since it was a borough and before it was a borough. I have lived at Mahanoy Plane, which is in the borough, since 1863.

(Incumbent's counsel objects to Squire Davidson's testimony in regard to the residence of the above-named witnesses who have testified here to-day, the registry being the best evidence, and with the consent of the contestant's counsel all the other legal objections to have the same effect as if stated at large.)

Cross-examined, reserving all exceptions:

I know where Malachi Farrell's property is and where he lives, but I don't know him. My impression is I sold him the lot, and buying the school-house and tearing it down. Can't answer whether or not the lot is in his wife's name. It is a number of years since I sold it to him. Don't know whether he has not sold the lot. I say that I am not personally acquainted with the man. I had seen him there since the election. I saw him there before the election. I can't say positively that he is there at this moment. I think I know Farrell when I see him. I don't know whether it was he or his wife I sold this lot. He is a married man; at least, he is a housekeeper. I don't know whether J. C. Murray is a miner or laborer. He lives on the south side of the street in the west ward. William Brennan did live on the north side of Main street. If he moved, I don't know where. He don't live where he did. He moved after the election. I didn't see him moving. I know he didn't move before election, because I was at his house since the election; saw his wife and family there. I saw him shortly before the election. Herrick is not a housekeeper; he boards with his father; been with his father since he was a little boy, since I knew him. I know only three Thomas Murphys in Gilberton; only one lives between the breakers. He is a single man. He is boarding at home. Both his parents are living. I first got my information about the dividing line in the court-house from the record. I can't answer when it was. It was after the election. I had no dispute as to dividing line before the election. Bear Ridge Colliery was not understood as the dividing line. I had no con——

JOS. H. DAVIDSON.

Sworn and subscribed to before me this 27th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned until Monday morning, January 29, 1877–9 a. m.

MONDAY MORNING, *January* 29, 1877–9 a. m.

(Counsel for contestant again offers the notice served upon incumbent's counsel for the examination of witnesses here this day, viz, Exhibit E, to show that the names of witnesses examined, to wit: Thomas Murphy, William Smith, Thomas Herrick, Malachi Farrell, John C. Murray, J. J. Meyer, John Gannon, Cornelius Sullivan, and Philip Hagerty are embraced in said notice.)

J. H. DAVIDSON recalled for cross-examination:

I now say that the borough-line dividing the middle from the west ward is about 120 yards east of the Stanton Colliery; I mean the breaker. The Polander's shanty is between the breaker and the divid-

ing line. I can't say exactly how far the line is east of the Polander's shanty.

I can't say exactly how far the Polander's shanty is from the breaker. There is no other breaker near the line there. The Stanton Colliery is not the breaker that is called No. 2. Bear Ridge No. 2 is about 500 yards from the Stanton Colliery, westward; I have not measured the distance from the Stanton Colliery to the dividing line. I can't answer whether the dividing line calls for any monuments upon the ground by which I could locate it; neither can I answer whether it calls for the distance from Stanton Colliery.

I locate these distances by the draught. I didn't look to see whether that map gives me the distance from the Stanton Colliery. I don't know that I locate the line entirely by the map. I do not live in the territory between the supposed line and what I say is the actual line. I suppose the line ran prior to the last election where it actually is. I said, in chief, that there was no use to dispute in regard to the line until the day of the election and after the day of election. My answer in chief was that I positively found out the location of the line after the election upon an examination of the map at the clerk's office in Pottsville.

I have given you the location of that line as near as you could without any measurements. I am not an engineer or surveyor by profession. I was not present when the lines were laid down by the viewers. I was not on the ground with them when the line was viewed. I did not see the viewers in regard to this matter at any time before they made their report. I did not see the report until after the election; my knowledge of the line was from parties that were there, H. L. Williams, Joseph Zimmerman, George Simmonds. They told me the line dividing the middle and west wards was east of the Stanton Colliery; they did not say how many yards. They did not tell me where they got their information from. I can't tell when they told me this, but it was some time after the viewers were there; I was not at the view; did not see the line located by the viewers, nor the report of the viewers until after the election. I myself knew the location only from hearsay at that time. Then the line, according to my location, is about 620 yards east of Bear Ridge No. 2. I have not measured it.

I should say there were about 25 voters living between the disputed lines on the day of election. I do not know that the viewers viewed two lines when they were up, but I know something about it. Francis McKeon and I had a dispute in regard to this line after the election. He contended that the line was Bear Ridge No. 2, and I contended that it was east of Stanton Colliery, and to settle the dispute we went to the clerk's office in Pottsville, where we found the line as I have represented it.

The line was located previous to the election by the viewers and the engineer. It was prior to the last fall election and subsequent to the spring election. This, then, was the first election held in these divided wards. Preceding elections were for the whole borough as one. There was not, to my knowledge, any notice up previous to the last election giving the dividing lines of the wards. I don't know that there was any notice up of the division of the wards. The people living in this disputed territory voted in the middle ward. I think that was not the proper ward. I don't know what the people living in the disputed territory believe as to where the lines are or should be; that I couldn't answer. I don't whether they believe it ought to be located at Bear Ridge No. 2.

All in the borough previous to this division voted at the Union Hotel.

At present, and at the last election, it was kept by Frederick Snyder. At the last election the people of the middle ward voted, I think, at Francis McKeon's house. The people in the disputed territory voted in the middle ward at the last election.

What the impression of the people there in that disputed territory was, in reference to whether the dividing line should be at Bear Ridge No. 2 Colliery, I can't answer. The impression of the Republicans in Gilberton was that it was east of the Stanton Colliery. I had no conversation with any of the Democrats in regard to the location of the line. Until after the election I don't know of any conversations I had with any except Francis McKeon, and some other gentleman whose name I don't recall now. McKeon insisted that the line was near Bear Ridge No. 2, and I contended that the line was east of Stanton Colliery. I always was a Republican; I live in the west ward. I don't think I informed anybody before the election where the line was. Before and since the election Williams et al. have talked with me about the matter. Zimmerman and Williams voted in the east ward; Simmonds belongs to the middle ward.

Question. Do you know what the politics are of Williams, Zimmerman, and Simmonds?

(Objected to by contestant's counsel, because: 1st, it is not material to this issue as to what the politics of the gentlemen are who informed Mr. Davidson as to the division lines; 2d, that the politics of either of these persons can in no way affect the result of this issue; 3d, it is irrelevant.)

The commissioner at this point, after hearing the arguments of counsel on both sides, rules that the question is immaterial to the issue, and so decides.

Counsel for incumbent makes offer No. 1, hereto annexed, on the part of said incumbent, in writing, and marked "No. 1."

The commissioner rules on offer of incumbent No. 1, that the evidence is immaterial to the issue.

I think the line east of the Stanton Colliery, as I locate it, was known to others beside Republicans before the election. I don't think there was any secret about it. To my knowledge, I can't say who knew of it among Democrats; I didn't tell any Democrats; no, I didn't tell anybody.

I don't know that I can name particularly others beside those mentioned who talked with me about the lines. I know there were disputes on the day of election and after. I thought the matter was public. I was satisfied myself in regard to the lines; I can't say for other people. I was satisfied from what Williams *et al.* told me, and I also thought it was a matter of public record, done by the court. I had not seen the draught at this time, but it was published in the papers when it was divided into wards. I can't answer as to whether the dividing lines were published.

Re-direct:

To the best of my knowledge, no lines are marked on the ground today. No corners or marks are given. The line was established when the borough was first divided into wards by the commissioners and their engineer. I thought this what is called "disputed territory" was in the west ward. I had no better opportunities for knowing where that line was than any other citizen in the borough. The Francis McKeon with whom I had an argument in reference to the lines is a man who keeps a hotel and a store in Gilberton borough, and is the tax-collector there.

The election was held, I believe, at his house in the middle ward. It was so ordered by the court, at least. I can't answer how long before the election it was that the borough was divided into wards.

Recross-examined:

I was not there when it was divided into wards. I didn't know of my own knowledge of any lines being run. I think A. B. Cochran was the engineer.

JOS. H. DAVIDSON.

Sworn and subscribed to before me this 29th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

The counsel for contestant now offers the notice served upon incumbent's counsel, for the examination of witnesses here this day, viz, Exhibit F, to show that the names of the witnesses to be examined, viz: Owen Conroy, Patrick Sweeney, Thomas Conroy, Thomas Franey, Edward Barrett, Lawrence Gaughan, Thomas Heffron, Anthony Monahan, Michael McAndrew, Patrick Conroy, Jeremiah Gorman, John Murphy, Michael Lenahan, Robert Garner, William Malley, Henry Mills, Thomas Dougherty, James Malackey, Andrew Haley, Owen Dougherty, Martin McHugh, Thomas Reilley, Martin Gill, are embraced in said notice.

This testimony is objected to by counsel for incumbent because said contestant, when notified in writing by the said John A. Nash and other attorneys of James B. Reilly appearing at this cross-examination, the said John A. Nash, the counsel for said incumbent, only for the purposes of cross-examining witnesses at these several hearings, and is not empowered or authorized to accept or receive service of such notice as is mentioned in the foregoing offer.

NAPOLEON THOMAS sworn.

I live in East Butler election-district, Butler Township. I was clerk on the day of election in the election-board of East Butler election-district.

Question. Have you any knowledge of how the members composing the election-board of East Butler were sworn on the day of last election, November 7, 1877?

(Objected to by counsel for incumbent, because the affidavits returned to the prothonotary's office with the returns are the best evidence according to law.)

Answer. We were sworn according to the form that came from court. The form was there on sheets, printed. I suppose we were sworn upon a Bible; it might have been a prayer-book for all I know. I did not examine the book upon which I was sworn. The list of voters who voted at the last election is in Anthony Carey's house. Anthony Carey served upon the election-board in the capacity of a clerk. The inspectors were Thomas Griffiths and Laurence Heffron, I believe. Laurence, I believe, was his first name. I am certain Heffron was his last name. I don't know Dennis Devers.

Q. Do you know whether or not Dennis Devers voted at an election held in East Butler election-district November 7, 1876?

(Objected to by counsel for incumbent, that the list of voters is the best evidence.)

A. I don't remember anything about it. I don't remember the name.

NAPOLEON THOMAS.

Sworn and subscribed to before me this 29th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 1.30 p. m.

1.30 P. M.

BRYAN MONAGHAN sworn.

I live in Butler Township. I am tax-collector for Butler Township. I am collector for State and county taxes for Butler Township. I was collector for 1875 and 1876. I was not collector of State and county tax for year 1874. I know a Patrick Feeney, I think.

Question. Did Patrick Feeney pay you a State or county tax for the years 1875 or 1876?

(Objected to by counsel for incumbent, because, 1st, Patrick Feeney is a witness called by contestant, and he proved that he paid a State and county tax in 1875, and as to a question by contestant they cannot now by other testimony impeach or contradict the testimony of their own witness; 2d, they are concluded by his answer.

Answer. I cannot say, sir, so far. (Looks at his tax duplicate.) I cannot decide it. He was assessed as a miner, and I see there is one-half allowance for him. He may have part of his taxes paid, what was allowed him; that is, laborer's tax.

Q. Is he marked "paid" on your State and county duplicate?

(Objected to by counsel for incumbent, 1st, the question is leading; 2d, witness has already said that he may have paid; to mark him with the word "paid" on his duplicate does not prove that he paid or that he did not pay.)

A. No, sir. I know Montgomery Shannon.

Q. State whether or not he has paid you a State or county tax for 1875 or 1876.

(Objected to by counsel for incumbent, because, first, Montgomery Shannon, a witness produced and sworn on the part of the contestant, proved the payment of a State and county tax October 1, 1874, and, in addition thereto, said, "I paid State and county tax since that time." The contestant is concluded by this answer, and cannot contradict or impeach him by this witness.)

A. Not in person, but a man paid me. I don't know now who the man was. That was not for the property in Locust Dale. That was paid by his wife. That property is assessed to the wife of Montgomery Shannon. I know Michael Noland.

Q. Did Michael Noland pay you State and county tax for 1875?

(Objected to by counsel for incumbent because Michael Noland was a witness called by contestant, and proved the payment of a tax within two years, and they cannot impeach or contradict it, he being contestant's own witness.)

A. No, sir; not to my knowledge. I knew Michael Shannon, who resided in Locust Dale, South Butler, Butler Township. That Michael Shannon is now dead. I cannot say whether or not he paid any State or county tax for 1875 or 1876. To the best of my belief, he did pay, but I am not positive. He is not marked "paid" upon my duplicate. There are a good many who have paid, but I have not marked them.

Cross-examined:

I cannot altogether remember the persons who have and who have not paid me. I can swear positively that Michael Nolan did not pay me

for 1875. He did not pay me for 1876. I was several times to him for the State and county, school and road taxes for 1875 and 1876, and he did not pay me. I was not State and county collector in 1874. Generally I put a mark to those who pay, and sometimes I forget. I go by the marks on the duplicate. Sometimes I get money when I don't have the duplicate along. Any one that I have rightly marked "paid" I am sure of it, so far as my knowledge leads me; I may be mistaken in some, though. Those that are not marked "paid" some of them are paid.

(The counsel for incumbent makes offer No. 2, in writing, hereto annexed and marked "No. 2." The commissioner decides that it is not a proper cross-examination, and so rules.)

Redirect:

The full amount of all taxes for Martin McHugh for 1875 was $6.

Recross-examined:

The amount of his State and county tax (*i. e.*, Martin McHugh) for 1875 was $1.50.

BRYAN MONAGHAN.

Sworn and subscribed to before me this 29th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

HENRY MILLS sworn.

I live in East Butler, Butler Township. I voted at the last election. When I came to memory I found myself in Ireland, and guess I was born there. According as I heard my parents tell, I am about forty-two; I can't tell exactly. I think I came to the country about 1863 or 1864, I don't know which. I was naturalized; my paper is in the possession of Commissioner Haughawout, in the James *vs.* McKibbin case; I left it with Mr. Monaghan, over at the Repplier House, at what I guess was the McKibbin contest. I have some tax-receipts with me. Tax-receipts produced.

Question. Whose name appeared upon your paper as witness?

(Counsel for incumbent objects, because, first, the whole examination of this witness in regard to his naturalization-papers is objected to because the paper itself is the best evidence, and its contents; and as a record in a competent court, contestant cannot go behind it in this collateral issue. Second, that they cannot examine or cross-examine as to the contents of a paper not in evidence in which contestant had it in his power to produce; it is therefore irrelevant and immaterial.)

Answer. James O'Donnell.

Cross-examined:

I can't state positively how old I am. Didn't I tell you before what my age was? I can't state positively how long I am in this country; but so far as I can remember, I came to the country in 1863 or 1864. I went to the court-house and swore for my papers.

Redirect:

I, according as I understood from my parents, am about forty-two years of age.

Q. For whom did you vote for Congress at the last election?

(Counsel for the incumbent objects, and, with the consent of the contestant, all the legal objections are to have the same force and effect as if stated at large.)

A. I couldn't exactly tell; but I asked for the Democratic ticket, and then I put it in the ticket he gave me, taking the man at his word.

Recross-examination:

I did not read my ticket. No one read it for me. He told me it was the right ticket. I took it out of his hand and voted.

his
HENRY + MILLS.
mark.

Sworn and subscribed to before me this 29th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

EDWARD GORMAN sworn.

I live in East Butler, Butler Township. I served on the election-board in East Butler at the last election. I was judge of election. I have tax-receipts with me. Tax-receipts produced.

(The counsel for incumbent makes offer No. 3, in writing, which is hereto annexed and marked "No. 3;" also objected to by counsel for contestant on the margin of incumbent's offer, marked "No. 3."

The commissioner overrules the acceptance of this testimony, it being voluntary and not brought out or sought to be brought out in the direct examination.)

I did not pay any State or county tax for 1875 or 1876. In 1874 the tax collector came to the house and demanded taxes. I asked the amount, and paid it. I calculated from that that I had paid the taxes in full for 1874. I paid that tax in 1874 to Bryan Monaghan. I paid no taxes to Anthony Carey for the year 1874.

(Witness produces tax-receipt dated October 19, 1874, for school, road, and special tax for the year 1874. Amount, $2.33. Bryan Monaghan, collector.)

This is my receipt. This is all, so far as I know, of the taxes paid in 1874.

Cross-examined:

I paid no taxes in 1876. I will not say for sure now whether it was in 1875 or 1876. Bryan Monaghan asked me for my taxes. Nobody paid my taxes for me. I never had a man who would pay them for me. I was not challenged at the last election.

Redirect:

Q. For whom did you vote for Congress at the last election?

(Objected by incumbent's counsel, because, first, the ballot is the best evidence; second, the absence of the ballot is not being accounted, and in its absence parol evidence cannot be given of its contents.)

A. James B. Reilly. The officers of election in East Butler election district, Butler Township, were sworn upon a prayer-book.

Recross-examined:

When we swore we used the printed forms. The clerk swore to the form sent for the clerks, the inspectors to the form sent for the inspectors, and the judge to the form sent for the judge. I remember that form commenced, "I do swear," &c. The particular form suited for each officer was read to him, and he swore to it. The omission to swear upon the Bible was not, to my knowledge, for any fraudulent purpose. There was no objection made to it. It was a Catholic prayer-book. The name I do not know. I never looked at the author of it,

nor the book. I considered the oath thus taken binding upon my conscience.

Redirect:

I know that three members of the election board were Catholics. The other two I do not know their religious profession. I couldn't say what the men are.

EDWARD GORMAN.

Sworn and subscribed to before me this 29th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN MEYER sworn.

I live in Gilberton Borough. I live on the west side of the Stanton colliery. I didn't vote at all at the last election.

JOHN MEYER.

Sworn and subscribed to before me this 29th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES MALARKEY sworn.

I live in East Butler, Butler Township. I voted at the last election. I was born in Ireland.

Question. How old are you now, as nearly as you can tell?

(Counsel for incumbent asks the object, and counsel for contestant replies that he is not obliged to tell, and therefore declines. Counsel for incumbent objects, 1st, because no object is stated; 2d, without an object it is irrelevant and immaterial.)

Answer. To the best of my knowledge, I was born in 1845; I don't know exactly.

Q. When did you come to this country?

(Objected to by incumbent's counsel, because question is irrelevant and immaterial, and no object is stated.

The commissioner rules that the object must be stated, which was accordingly done by the counsel for the contestant in the following proposition:

We propose showing by this witness that the naturalization paper obtained, under or by which he claims a right to vote, was obtained by the commission of perjury, and therefore invalidates the naturalization-certificate.

This is objected to by incumbent's counsel, because, 1st, whether the naturalization-papers were obtained through fraud and perjury cannot be inquired into this issue; it being a decree of a competent court, can only be inquired into by that court; 2d, the naturalization-certificate is conclusive until set aside by the court granting it.)

A. To the best of my knowledge I came to this country in the spring of 1868. My naturalization-papers are at home. I was subpœnaed to bring my naturalization-papers with me.

Q. Who did you vote for for Congress November 7, 1876?—A. I don't know who I voted for. Six of them gave me tickets. I don't know who gave me the one I voted. I read the ticket the day before I voted. I remember two names on them, McKibbin and Colihan.

Q. Do you know whether or not the name of James B. Reilly was on the ticket?

(Incumbent's counsel objects, because it is leading and suggests the

answer, and the ballot is the best evidence, and parol evidence on its contents not admissible. The ballot not having been proven to have been illegal, the answer is irrelevant and immaterial.)

A. I don't know indeed.

Q. For whom did you wish to vote for Congress at the election of November 7, 1876?

(Objected to by incumbent's counsel, because, 1st, his wishes to vote is not evidence of how his ballot was cast; 2d, it is irrelevant and immaterial; the ballot is the best evidence.)

A. I voted the Democratic ticket. I don't know who was on or who was not on it. I took it as that, and I voted it as that. There were people putting on and putting it off. I don't know who the d——l I voted for. They were putting on names on my ticket. I asked for the Democratic ticket. There were two or three of them fixing it. I took it at last and put it in. I am a Democrat.

Cross-examined.

Terry Scanlan was one of them fixing my ticket up; also Martin Barrett, who gave me the ticket. They were both there after Barrett gave it to me, and I don't know how they fixed it. There were others there who were reading my ticket and fixing it up, and I had to run away at last. I don't know what Terry Scanlan wrote or pasted on my ticket. I don't , unless I swear a lie, whose name was on my ticket for Congress. I can't swear positively that Colonel Nutting's name was on the ticket. I don't know whether my own name mightn't been. I can read a little, not much. I don't know what time I voted; it was pretty late; it was after I came home from work.

JAMES MULLARKEY.

Sworn and subscribed to before me this 29th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS HEFFRON sworn.

I live in East Butler, Butler Township. I voted at the last election. I was born in Ireland.

(The counsel for contestant proposes to show by this witness that the naturalization-papers have been illegally obtained. This and all testimony of like import is objected to by counsel for incumbent: 1st, because papers having been granted by a court of competent jurisdiction, they cannot be inquired into this issue; only the court that granted them can revoke them; 2d, the record cannot be impeached by parol testimony.)

I might be something between 34 and 38; something that way; may be more or less for all I know. I kept no records. I have no good record of the time I am in this country—12 or 15 or 16 years, more or less; I can't tell. I believe the war may be, and I think it was started; yes, it was started. I'm under the impression it was started when I came to this country. I expect I landed at Castle Garden. I staid there, may be, two or three days. From there I went through a part of the State of New York. I can't tell how long I staid in the State of New York. I may be a year there or less in the State of New York. From New York I came straight to Philadelphia. I staid one night in Philadelphia, as near as I can tell. From Philadelphia I came here to Ashland. I can't tell whether I was three years, four years, or five years, or less or more.

From Ashland I went to Columbia County. I may be three or four years in Columbia County, or less, for all I know. From Columbia County I came back to Schuylkill County—to Girardville. I don't know in what year I went to Girardville; I may be six or seven years in Girardville—more or less; that is the time I have lived in what is now Butler Township, and also in the borough of Girardville; will equal six or seven years, more or less. I had some naturalization-papers, but I can't account for them; part of them were destroyed and some handed to the commissioner in the *James* vs. *McKibbin* contested-election case. (Witness produces tax-receipt showing the right to vote, so far as tax-receipts are concerned.)

Question. Who did you vote for for Congressman at the election November 7, 1876?

(Objected to on the part of the incumbent: 1st, the ballot is the best evidence, and its absence, being unexplained, gives no right to parol testimony as to its contents; 2d, the vote not being illegal, the testimony is irrelevant and immaterial.)

Answer. I didn't examine my ticket; don't know which of the names was on for Congress.

Q. Who did you intend voting for for Congress at that election, and what ticket?

(Counsel for incumbent objects because his intention is not the evidence of his act; and, also, the last above-mentioned objections.)

A. The Democratic ticket, if I only could make choice of it out of the tickets I had. I got tickets from two or three different parties. I got a ticket from Martin Barrett, from Patrick Brown, and I forget who the other was. They had different tickets there.

Q. Were they Democrats who gave them to you?

(Objected to by incumbent's counsel because it is irrelevant, immaterial, and leading.)

A. I was under the impression they were Democrats, but I couldn't tell what Democrats were there.

Cross-examined:

I didn't read the ticket I voted, and nobody read it before me; I can't swear for whom I voted; all I went by was the heading on the ticket. I can't swear that Col. J. L. Nutting was on the ticket; I can't swear who was on; I was under the impression that all were not Democrats were on; I don't know that it had a Democratic heading; to my views it was a Democratic ticket; I seen what I thought ought to be Democrats taking tickets with that heading.

his
THOMAS + HEFFRON.
mark.

Sworn and subscribed to before me this 29th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS TALLETT sworn.

I live in East Butler district of Butler Township; I voted at the last election.

Question. Where were you born?

(Contestant's counsel states object to be as previously, viz, to show that the papers were illegally obtained.

Incumbent's counsel objects for the same reason as stated in the other case.)

Answer. I was born in Ireland. I am thirty-three or thirty-four, as near as I can tell. I came to this country in 1864. I couldn't rightly tell what month. It was in either April or May. I was naturalized. My papers were taken in the James *vs.* McKibbin election contest. James Knox was upon my paper as witness. I have tax-receipts with me. (They were produced, and found correct.)

Cross-examined:

I guess I'm about thirty-three years of age; but I can't swear positively.

(Counsel for incumbent objects, because the naturalization-papers were not produced, although in contestant's power to do so, and they are therefore not entitled to examine in regard to it.)

Q. For whom did you vote for Congress at the election November 7, 1876?

(Objections by incumbent's counsel. The same objections as to testimony of former witness in this regard.)

A. I couldn't tell. I didn't look at the ticket. I got a ticket from Anthony King, one from Pat. Brown, and one from some other fellow. I couldn't exactly tell who the other person was. I have no idea who it was. I partly guess it was King's ticket I voted. I couldn't tell whether Anthony King is a Democrat.

Q. For which party did you intend voting at the last election?

(Objected to by counsel for incumbent, because his acts and not his intentions are the evidence of how he voted, and the ballot is the best evidence of those acts.)

A. My intention was that I didn't care which party I would vote for. I was not instructed by anybody not to state for whom I voted for Congress.

THOMAS TALLETT.

Sworn and subscribed to before me this 29th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 7 o'clock p. m.

ANDREW HALEY sworn.

I live in East Butler, Butler Township. I voted at the last election. I was born in Ireland.

Question. Tell us, as near as you can, how old you are.

(This and all questions of similar import is objected to by counsel for incumbent, for the reasons given to similar questions in the testimony of former witness, because the naturalization-papers are not produced.)

Answer. To the best of my knowledge, I am over thirty-five years old. Since I came the last time, I am in this country between thirteen and fourteen years. I was naturalized.

(Those papers now are in the James *vs.* McKibbin contest, in possession of the commissioner.)

James O'Donnell appeared on my papers as witness.

(Witness produces receipt for school, road, and special tax for 1874, dated August 16, 1875, for $8.53, signed Bryan Monaghan, collector.)

I paid tax since that mentioned in that receipt. I paid them in 1875. I paid a State or county tax in 1875. I paid school-tax in 1875. I paid all they charged me. He gave me a receipt. When I left home, before coming here, I could not find it. I worked on the township, and gave

him the order in payment of my taxes. I don't now rightly know the amount of that order. I think the order was $5, and there was some in money I had paid before that, which I left stand over. There was $2 standing over to my credit from the time I paid before. I couldn't now make out altogether how much my taxes were. Last year I paid none. I am positive I paid a State or county tax for 1875. I paid all that was coming from me. The tax-collector said it was all right. I pay taxes for the shanty I live in, if they lay any on it, and, as far as I know, I guess they do. I pay taxes on two shanties in this township. The step-son lives in one, but I pay on both. Both of these places are assessed in my name.

(This last answer is objected to by incumbent's counsel because the assessment-list is the best evidence.)

One of these shanties has a room up and one down. It is about 16 feet long and 15 feet wide. The height of the frame is about 14 feet. There is a little bit of a basement under this which is about 9 feet high. I do not know the amount now of the taxes levied upon it.

(This last answer is objected to by incumbent's counsel because the assessment is the best evidence.)

I think the $5 order and my credit of $2 from the other time, total $7, is all that was paid the last time unless my wife paid some. There was no State or county tax paid by me last year.

Q. For whom did you vote for Congress November 7, 1876?

(Objected to by counsel for incumbent, and, with the consent of the contestant, all legal objections are to have the same force and effect as if stated at large.)

A. I took that paper I had at home—the girl read it to me, and she told me—and I guess then I voted for Reilly. I mean by that paper the ticket I voted.

Cross-examined:

I was in this country more than once. The first time I came here I was in it over three years. I remained in the old country three or four years after going back from here.

Redirect:

I was not married when I first came to this country. I got married in the old country. I was about a year in the old country before I was married. Of course, I went to housekeeping at once. She had the house herself to live in. I remained in the old country about three years after being married. It may be a little longer.

Recross-examined:

And then I returned to this country. When I went back it was on a visit. I thought I wouldn't stay so long until I would come back again.

Re-redirect:

I considered my residence in the old country, after I was married, only my home for a while.

his
ANDREW + HALEY.
mark.

Sworn and subscribed to before me this 29th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN MCDONNELL sworn.

I live in East Butler, Butler Township. I voted at the last election.

Question. Where were you born?

(The counsel for contestant states the object of the question to be to show that the naturalization-papers were fraudulently obtained.

Objected to by counsel for incumbent for the reasons given to similar questions put to former witnesses.)

Answer. I was born in Ireland. As near as I can tell I am about 34 years of age. I came to this country in the year 1861. I was naturalized. The papers are in the James *vs.* McKibbin case. The papers state when I was naturalized. William H. Gallagher appeared as witness in my papers.

Q. How long did you know William H. Gallagher before he was your witness?

(Objected to by counsel for incumbent. It is immaterial how long he knew Gallagher. The question or evidence upon which the court acted was, how long did Gallagher know him?)

A. I was not much acquainted with the man before the day he was my witness. I may have seen him two or three times before that. I have no tax-receipt with me. I paid State and county tax in the year 1874, and none since. I have not that receipt with me.

Q. Was it before the election of 1874 that you paid the State or county tax for the year 1874?

(Counsel for incumbent objects, because the question is leading and a cross-examination.)

A. That I can't recollect; but as far as I can remember I think it was in September of 1874.

Q. For whom did you vote for Congress at the last election, November 7, 1876?

(This is objected to by incumbent's counsel, and, with the consent of the contestant's counsel, all the legal objections to have the same force and effect as if stated at large.)

A. That I can't tell you.

Q. From whom did you get the ticket that you voted at the last election?

(Incumbent's counsel objects, because irrelevant and immaterial.)

A. I got the ticket that I voted from a man by the name of Anthony King.

Cross-examined:

I did not read my ticket. No one read it for me that I know of. I put the ticket in right away after he gave it to me. I cannot swear positively that it was not in December, 1874, that I paid the tax mentioned in my examination-in-chief. It was in the year 1874 that I paid the tax, and as far as I can recollect in September. I can swear positively it was in the month of September, but I do not know what date. I recollect that September was marked on the tax-receipt that I had. Anthony Carey was the man I paid. I paid no tax in 1875. Last year I was sick and couldn't afford to pay any. I paid none in 1875—I paid none in the last two years. It was in November of 1875 that I got sick. I paid no tax that year I was sick. I had no tax-receipt for this last year. Several gave me tickets beside Anthony King, but I voted the one that he gave me. A man by the name of Pat Conroy gave me a ticket. I did not look for my receipt—it may be at the house yet. I had it with me at the James *vs.* McKibbin contest. There may be a dozen receipts there—thirteen years back, some of them.

(The counsel for incumbent objects to this matter of testimony because the tax-receipt is the best evidence, it is in existence and can be produced.)

his
JOHN + McDONNELL.
mark.

Sworn and subscribed to before me this 29th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

EDWARD BARRETT sworn.

I live in East Butler, Butler Township. I voted at the last election.

Question. Where were you born?

(Contestant's counsel states the object to be, that the naturalization-papers were illegally obtained. Incumbent objects to this question and others of similar import for the same reasons that others of a similar character were objected to.)

Answer. County Mayo, Ireland. When I got out my naturalization-papers I was 24 years of age, as near as I could go to it, and when I got them out, I had been a little over five years in the country. I couldn't tell how many months over five years it was.

Q. Were you a year over five years in the country when you got out your papers?

(Counsel for incumbent objects, because it's a cross-examination and leading.)

A. I don't know how much over five years I was in the country when I got my papers, and I couldn't form any idea, as I told you. My papers are in the James *vs.* McKibbin election contest, and are in the possession of Commissioner Haughawout.

Tax-receipt produced and satisfactory.

Q. For whom did you vote for Congress at the last election?

(Counsel for incumbent objects, and the same as those in previous questions, viz, that contestant's counsel consents the legal objections to have the same effect as if stated in full.)

A. I voted the full Democratic ticket.

Cross-examined:

I couldn't read my ticket, but I asked for the full Democratic ticket and suppose I must have got it. Nobody read it for me. I just put it in the window as soon as I got it, and then left.

his
EDWARD + BARRETT.
mark.

Sworn and subscribed to before me this 29th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS REILLEY sworn.

I live in East Butler, Butler Township. I voted at the last election.

Question. Where were you born?

(Incumbent's counsel objects, for the reasons given against similar testimony of former witnesses.)

Answer. In Ireland. As near as I can partly guess it I am between 31 and 32 years of age. I don't know how old I was when I came to this

country. I can't read nor write. I don't know, indeed. Am not sure when I did come. The war was going on at the time when I came. I have a tax-receipt with me. One I lost on election-day. I paid a State or county tax for 1875. It is so marked on the tax-collector's book. He told me so this morning. I am not sure when I paid that 1875 tax. I am sure I paid the State and county tax for 1875; I paid the whole taxes. My wife paid it while I was at work. That is the receipt that I lost on election-day. I had to produce my tax-receipt when I voted. I couldn't tell in what month I paid it, but I know it was in 1875; I can't keep any account. The collector said as long as my name was on his book it was all right.

Q. For whom did you vote for Congress election held November 7, 1876?

(Counsel for incumbent objects, and with consent of counsel for contestant all legal objections to be and have the same force and effect as if stated at large.)

A. Well, indeed, sir, I don't know; I am not able to read nor write.

his
THOMAS + REILLEY.
mark.

Sworn and subscribed to before me this 29th day of January, A. D. 1877.

H. K. WESTON,
Notary Pnblic.

Adjourned to January 30, 1877, at 8.30 a. m.

JANUARY 30 1877—8.30 a. m.

It is agreed that exception may be taken at any time, or advantage without a notice of exception, of any informality in the notice for production of witnesses served upon incumbent or his counsel by contestant.

THOMAS FRANEY sworn.

I live in East Butler, Butler Township. I voted at the last election. I have some tax-receipts with me.

(Witness produces receipt dated September 15, 1874, for State and county tax for 1874, $2.71, Anthony Carey, collector. Another receipt dated July 12, 1876, $7, for the year 1875, Bryan Monaghan, collector. All taxes, viz, "State, county, school, road, and special taxes," are erased with lead-pencil on this last receipt.)

The amount of all taxes due by me in 1875 for 1875 was $10.60, upon which I made a payment in cash of $7. This $7, which was paid July 12, 1876, was in part payment of the whole of my taxes for 1875. I applied the $7 in part payment of the whole of my tax for that year. I have not yet paid any State or county tax for the year 1876. I was not called on for it yet.

Question. Where were you born?

(Contestant's counsel states the object to be to show that his naturalization-papers were illegally obtained.

Incumbent's counsel objects to this testimony for the same reasons as given in objections to questions to foregoing witnesses having similar objects.)

Answer. In Queen's County, Ireland; the year I can't remember. I am about 51 or going on 52, as near as I can judge. I came into this country in 1847. I was naturalized in Sunbury, Northumberland County, in the year 1853, to the best of my knowledge. I think I got a copy

in 1850. I think so; it's most out of my mind altogether. It was a copy I got in 1850.

Q. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to by counsel for incumbent, for the same reasons given to the same questions for former witnesses.)

A. When I went to the poll I met a man by the name of King there. He asked me if I was going to vote for James B. Reilly and McKibbin. I said, "Yes." So he handed me the ticket. It was rolled up, and I put it in without opening or reading it. I understood he carried no other ticket, only for the same party. That's all.

Cross-examined:

Wouldn't I see the two bunches in his hands if he carried other tickets? I did not read my ticket. I understood the man was all right. I can't swear, of my own knowledge, that I voted for Reilly and McKibbin. I say I came to this country in 1847. I got my first papers in about 1850, to the best of my knowledge; I think that's the time. I got my full papers in 1853, I think. I don't know what you call it; I got the first and second papers. I never went to Sunbury and asked for a copy of my naturalization-papers. I paid $7 in cash on account of my taxes for 1875. He gave me credit in my work in the township for the balance until he gets it. He is to get it in cash, I suppose. That's what the collector told me—that my work was just as good to him as the money. He could get it that way.

(It is admitted that Bryan Monaghan was collector and treasurer of Butler Township for the years 1875 and 1876.)

Bryan Monaghan had all the taxes to collect in 1875 and 1876 in that township. I handed him township order as the balance for my taxes.

(Order dated September 30, 1876. No. 1850. On Bryan Monaghan, treasurer, and payable to Thomas Franey, or order, for $3 for two days' work, at $1.50. Signed, Ben Granger and Dennis Murphy, supervisors. Attest, Christ. Reilley, clerk. Registered in clerk's register, p. 188, and countersigned by H. H. S. written across face of the order.)

I understood Monaghan that he considered my work as payment for the $3 tax. He has not asked me for any other money since in payment for that tax. I considered my taxes, all of them, paid in full for the year 1875; *i. e.*, after I did the work.

Redirect:

Bryan Monaghan gave me the order. He said the money was all right. He sent me the order and said he could raise the money for my work. I *never* gave this order (dated September 30, 1876, for $3) to Bryan Monaghan. This same order I have retained in my possession ever since I got it.

Recross-examined:

I don't know how much the special-road tax was for 1875. Mr. Monaghan sent me this order. He also sent me word that he would collect the amount of my order for work done on the township, and give me credit on my taxes for it. As soon as he collects the money due for my work, the understanding is that he will keep the money, and I will give him this order, and then my taxes will be paid in full for that year. For all I know he has collected the money.

Reredirect:

Bryan Monaghan sent me this order by another man. I had no per-

sonal conversation with Bryan Monaghan about the order after I got it. I had before I got it.

THOS. FRENEY.

Sworn and subscribed to before me this 30th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

ANTHONY MONOGHAN sworn.

I live in East Butler, Butler Township. I voted at the last election. I have some tax-receipts with me.

(Witness produces receipt, dated October 2, 1874, for State and county tax for 1874, 75 cents, Anthony Carey, collector.)

I have paid no tax since the payment of this receipt, (dated October 2, 1874.)

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Incumbent's counsel objects, and, with the consent of the contestant, all legal objections to have the same force and effect as if stated in full.)

Answer. I'm no scholar. My intention was to vote for James B. Reilly.

Q. From whom did you get your ticket that you voted on the day of election?

(Incumbent objects, because from whom he got his ticket is no evidence as to how he voted.)

A. Edward Colihan.

Cross-examined:

I cannot read or write. I didn't read any ticket before I voted. I can't swear positively how I voted. The ticket I got I put it in. He handed me a ticket, and, without unfolding it, I went up to the poll and put it in. I have not worked upon the township roads for three or four years back. I don't know whether anybody paid taxes for me for three or four years back.

his
ANTHONY . MONOGHAN.
mark.

Sworn and subscribed to before me this 30th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

MARTIN GILL sworn.

I live in South Butler district, in Butler Township. I voted at the last election. I have my tax-receipts with me.

Question. Where were you born?

(Contestant's counsel states the object to be the same as when before propounding this question.

Objected to by incumbent's counsel, for the same reasons as given in objections to foregoing questions of similar import.)

Answer. In Ireland. I am between thirty-four and thirty-five years of age. I am between fourteen and fifteen years in this country, as near as I can tell.

Q. For whom did you vote for Congress at the election November 7, 1876?

(Incumbent's counsel objects, and, with the consent of the contestant, all legal objections to have the same force and effect as if stated at large.)

A. I can't read, sir. Mr. Snyder gave me the ticket, and I voted it.

Q. For whom did you intend to vote at the last election for Congress?

(Incumbent objects, because his intentions are no evidence as to how he voted. The ballot is the best evidence.)

The witness now asks who was running at that time, and the commissioner informs him that the candidates were James B. Reilly and Colonel Nutting.

(Incumbent objects to answer of the witness because he did not know from his question who were running, and, if he answers now, he answers on the information conveyed to him by the commissioner.)

A. Nobody ever read me the ticket, but Snyder gave me ticket and I voted it. I went down along with Snyder; he gave me the ticket and I voted it.

Q. Did you intend voting for James B. Reilly for Congress?

(Incumbent objects, because cross-examined and leading.)

A. No man said anything to me about Reilly; he gave me the ticket and I voted it.

Q. Did you hear during the campaign that James B. Reilly was a candidate for Congress? (Question by General Sigfried.)

(Incumbent objects; is leading, cross-examination, immaterial, and answer will not affect the issue.)

A. No, sir; not that I know of.

his
MARTIN + GILL.
mark.

Sworn and subscribed to before me this 30th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL MCANDREW sworn.

I live in East Butler election district, Butler Township. I voted at the last election. I couldn't find my last tax-receipt. I looked yesterday and couldn't find it. The receipt which is lost I got about three years ago. I did not pay any tax for the past two years. I paid the tax-receipt (*i. e.*, my wife paid, so she said) which is lost to Bryan Monaghan. I couldn't tell the year in which I paid the last taxes. I have paid none for the last two years, *i. e.*, 1875, 1876. Monaghan came to the house year before last, (or last year, I couldn't tell when,) and he told me he would not take some township orders I had until I would pay him money in the place of them; that is, he wanted the money for the taxes. I paid no taxes last year or the year before. My wife paid Anthony Carey some taxes the same year that she paid Bryan Monaghan, but I have not got that receipt along with me; I couldn't find it.

Question. Do you know whether or not you paid the taxes to Anthony Carey before or after the election of 1874?

(Incumbent objects because leading and cross-examination.)

Answer. No, sir; I could not tell; I couldn't give you any idea.

Q. When do you think you paid these taxes?

(Incumbent objects because leading and cross-examination.)

A. I couldn't tell you.

Q. Where were you born?

(Object, and objections as before stated in similar cases.)

A. I was born in Ireland. I guess I am about thirty-four years of age. In about two months and three or four days I will have been in this country thirteen years. I got my citizen-papers from the court.

They are in possession of Commissioner Haughawout. James Knox appears as witness on my paper.

Q. For whom did you vote for Congress at the election of November 7, 1876?

(Incumbent objects, and, with consent of contestant, all the legal objections to have the same force and effect as if stated in full.)

A. Well, I couldn't tell.

Q. From whom did you get your ticket?

(Incumbent objects, for same reasons as before, from whom he got his ticket as to whom he voted for.)

A. From the best of my knowledge I got it from Patrick Conroy, and he told me that was the full Democratic ticket.

Cross-examined:

He handed me the ticket; I put it in right away. I did not look at it. I can't read or write. I had nobody to read my ticket for me before I voted. I can't tell for whom I voted.

his
MICHAEL + McANDREW.
mark.

Sworn and subscribed to before me this 30th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK CONROY sworn.

I live in East Butler, Butler Township. I voted at the last election. I have my two receipts with me, and pronounced satisfactory. I have not my naturalization-papers; they were lost through a fire.

Question. Where were you born?

(Incumbent objects for the same reasons and objections given to questions of similar import—the object having been stated by contestant as before in similar questions.)

Answer. I was born in Ireland. I don't know the year. I am between 42 and 44 years of age, as near as I can tell. I can't tell when I came to this country, and can't form any idea.

Q. Did you come before or after the commencement of the war?—A. Didn't I tell you before that I don't know.

(Given after the incumbent had objected to the question.)

I can't tell you whether I am 20 years in the country. I came in a steamer and in a sailing-vessel. I came over twice.

Q. What is the name of the steamer you came over in?

(Objected to.)

A. I can't tell.

Q. Did you know the name of the captain?

(Objected to.)

A. I don't know. After my arrival in New York I staid there two nights, I think. From there I went to Ashland, Pa. I remained about a year in Ashland. From Ashland I went to Holmesville. I think I remained there eighteen months or two years. From Holmesville I went to Connor's Patch. Can't tell how long I was in Connor's Patch; I was years there to the best of my knowledge. I am positive that I was there over one year. I am positive that I was there more than two years.

Q. Are you positive you were there over three years?

(Objected to and all similar questions, on account of legal reasons.)

A. To the best of my knowledge I was there three years and over

three years. I can't go nearer than that. From Connor's Patch I went over to the "Rappahannock." I have lived there ever since. As far as I understand, I am living in the "Rappahannock" nine or ten years.

Q. For whom did you vote for Congress at the election November 7, 1876?

(Objected to, and, by consent of contestant, all legal objections to have the same force and effect as if stated at large.)

(Witness asks if he is compelled to answer, and is instructed by the commissioner to answer the question.)

A. James B. Reilly.

Cross-examined:

I can read print, but I can't write. I was at the polls most of the day on election-day. I was giving out some tickets on that day. I didn't read all the tickets as I gave them out. I voted pretty early in the day. I recollect that I read my ticket before I voted. I can't swear what I voted or who for, only that I put the ticket in as I told you. I took my ticket from the bunch and voted it, and it was my intention to vote for him. My intention was to vote the whole Democratic ticket, and I'll stick to it while I live. I know of my own knowledge that there were spurious Democratic tickets. I can't swear whether I read my ticket or not. I took it from among others. I read some of them I took it from among. I can't tell whether or not I read any ticket before I put it in. I can't tell, I say. As far as I understand, I took it from among the other tickets that I was sure of and put it in. I came to the country twice. I can't tell exactly how long it was from the first time until I came the second time. I came first to New York. I went back from New York. I can't tell exactly how long I staid before I went back. It was more than three, four, or five years.

Redirect:

I mean mixed Democratic tickets, when I say spurious Democratic tickets. I seen two sets of tickets. I can't say that I mean there were Republican names on Democratic tickets. I seen some independent tickets. I didn't mix any of my tickets. Three others helped make them up. Martin Barrett, Anthony King, and some children helped make them up. I am sure the tickets I had were the full Democratic tickets.

Recross-examined:

I have already told why I thought they were the full Democratic tickets.

his
PATRICK + CONROY.
mark.

Sworn and subscribed to before me this 30th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned till 1 o'clock.

1 P. M.

THOMAS DOUGHERTY sworn.

Patrick Cummings (interpreter) sworn.

I live in East Butler District, Butler Township. I voted at the last election. I have tax-receipts with me.

(Tax-receipts produced and correct.)

Question. Where were you born?

(Contestant states object as in previous questions of similar import. Incumbent objects same as to questions of like import of former witnesses.)

Answer. In Ireland. I am between 47 and 48 years old. It was twenty-five years last harvest since I came to this country. I can't tell what month. I was naturalized. My papers are in the possession of Commissioner Haughawout, of the James *vs.* McKibbin contest. Michael McGrath's name was on my paper as witness.

Q. For whom did you vote for Congress at the election November 7, 1876?

(Incumbent objects, and, with consent of contestant's counsel, all legal objections to have the same force as if stated in full.)

A. I voted the whole Democratic ticket, except that I voted for Cooper.

Cross-examined:

It was twenty-five years last harvest since I came over. That's as near as I can go. I cannot tell the year. I counted the years; is the way I tell that it was twenty-five years. I count them in this way—that every year I am in, I think of it. I have no date of my coming here. Can't tell whether it was in 1850 or 1851 or 1852. Have no date for it. I can't tell whether it was as late as 1850. I can give no date at all. I know nothing about the Mexican war going on when I came, or any other wars. I never went back to Ireland. Yes; I am between 47 and 48 years of age. My paper is now in existence, I suppose. I don't know where they are since they got them at the James *vs.* McKibbin contest. There were four of them (persons) at the Repplier House. Don't know which of them got them. They all had them; and don't know who has them now. I voted the whole Democratic ticket, except Cooper. I didn't read my ticket. I don't know how to read it. Nobody read it for me. They gave it to me, and I put it in. I was told that it was the Democratic ticket. I know nothing about it, only that I got it, and just put it in as I got it. I understand some English, but I can't explain myself in it.

his
THOMAS + DOUGHERTY.
mark.

Sworn and subscribed to before me this 30th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS JOICE sworn.

I live in North Butler, Butler Township. I voted at the last election. I am going on twenty-three years of age. I never paid any taxes that I know of.

Question. For whom did you vote for Congress at election November 7, 1876?

(Incumbent objects, and, with consent of contestant, all legal objections to have same force and effect as if stated in full.)

Answer. It was dark when I got my ticket, so I just stuck it in. I couldn't tell.

Q. For whom did you intend to vote for Congress at the last election?

(Objected to. What his intentions were are no evidence what his acts were.)

A. I intended to vote for Reilly, McKibben, and Cooper.

Cross-examined:

Dominick McGuire gave me my ticket. He didn't read it to me. I don't think he could read. I did not read it myself. It was dark. Then I can't swear for whom I voted for Congress. I don't know what year I was born in. I am now between twenty-two and twenty-three. I never paid any taxes that I know of. Don't know that anybody ever paid any for me that I know of. I had no tax-receipt at the last election. I was born on New Year's. I think I became twenty-two years of age last New Year's. I was born in this country.

Redirect:

Q. Did you ever vote at any election before the last?

(Objected to. Immaterial and leading and cross-examination.)

A. I voted at the delegate election and at the supervisor's election, which was last spring.

Q. Did you vote at any general election before you voted for supervisor last spring?

(Incumbent objects. Cross-examination of their own witness. Leading in its character and immaterial.)

A. I think I voted for Hartranft.

Recross-examined:

But I came twenty-two to the best of my knowledge on the first day of this present year.

Re-redirect:

Q. Were you twenty-one years of age before you voted for Governor Hartranft?

(Incumbent objects: Because a cross-examination of their own witness. Question is leading, and contestant is concluded by his former answer.

A. I guess I wasn't 21 when I voted for Hartranft.

THOMAS JOICE.

Sworn and subscribed to before me this 30th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

LAWRENCE GAUGHAN sworn.

I live at Rappahannock, East Butler election-district, in Butler Township. I voted at the last election. I have tax-receipts with me.

Question. Where were you born?

(Contestant states the object as before, and incumbent objects as before.)

Answer. In Ireland. The last time I was here I made a mistake in my age. I was calculating to be something about 58 years of age now. I came to this country at the age of something about eleven years. I went back to the old country. I remained here three years before I went back—not quite three years—about. I remained in the old country from that time until 1847. I can't tell you now how many years I remained in the old country, nor when I went back. I can't tell it rightly what age I was when I came back here the second time. I was about 29 years old when I came to this country the second time. I got married in Ireland after going back the first time and before I came here the second time. I was naturalized. I don't know where they are since they were taken in the James *vs.* McKibbin contest. James

O'Donnell appeared as the name of witness upon my naturalization-papers.

Q. For whom did you vote for Congress at the election of November 7, 1876?

(Incumbent objects, and, with consent of contestant, all the legal objections to have the same force as if stated in full.)

A. I voted the Democratic ticket.

Cross-examined:

I don't read much. I can write a little; can write my name. I was working on election-day until late. When I went to vote, somebody at the poll handed me a ticket. I guess it was Pat. Conroy who handed me the ticket. He gave me the ticket and I handed it in at the window. I didn't read it. I couldn't see anything without "specks," and had none with me. He told me it was the Democratic ticket. No one read it for me. That's the only information I have that I did vote the Democratic ticket, just from what he told me. I went back to the old country when I was about 14 years of age. I had been here then nearly three years. When I went to the old country my intention was to come back here again. When I went home my intention was to come back when I got wise, and in pursuance with my intention I came back again.

Redirect:

My father was along with me when I first came to this country. My father went with me when I returned and he did not come back.

LAWRENCE GAUAN.

Sworn and subscribed to before me this 30th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

MEM.—It is agreed by and between counsels for contestant and incumbent that when objection is made and placed upon the commissioner's notes of testimony, that all the objections to which the testimony of the witness to which objection is made is susceptible may be made by incumbent's counsel, upon the argument of this issue before Congress, or a committee thereof, without said objections being at length on record.

OWEN DOUGHERTY sworn.

I live in East Butler, Butler Township; I voted at the last election; I have my tax-receipts with me.

(Examined and found correct.)

Question. Where were you born?

(Objected to. Contestant's reasons stated.)

Answer. They told me I was born in Ireland. To the best of my opinion, I am between 47 and 48 years of age. I came to this country in 1851. I have my naturalization-papers with me.

(Witness produces a naturalization-paper issued to John Dougherty, bearing date of June 7, 1858, issued out of court of common pleas of Schuylkill County. Dan'l H. Schoener, prothonotary.)

Q. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

A. I voted for Reilly.

Cross-examined:

My eyesight is badly; I can't well see the lines to read and write. I can read by having the paper up to my eyes. I was not all day at the polls. I got my ticket as I came from work, to the best of my opinion; I got a ticket from a fellow on election-day and voted it. I read part of it before I voted it. I took it as a Democratic ticket all through. I suppose the man that I got it from was electioneering for the party. I don't know whether he was a Democrat, nor what he voted. He professed to be a Democrat, and he told me that he was one. I couldn't exactly tell how long how I was in the country. I came in 1851 to the country; I got my first papers in 1854 and my second papers in 1858, to the best of my knowledge.

Redirect:

I saw the names of Jack Colihan and also Reilly on the ticket I voted, also McKibbin.

Recross-examined:

I am sometimes known as Owen Dougherty; I answer to both names, John and Owen Dougherty. I don't know how I was registered, whether it was Owen Dougherty or John Dougherty. John they call Owen in Irish, or "Shawn." The same as John is called "Jack" in English they call "Shawn" Owen in Irish. John is my correct name. When the English ask me what my name is, I say John; when the Irish ask me, I say Owen. To my knowledge, there is no other person around that patch by the name of John Dougherty.

Redirect:

I talk Irish. In addressing a man by the name of John in the Irish language I call him Owen. I read and write English. The Irish people spell it Owen, (in English;) I never saw the name spelled John; if I did, I did not understand it. I never learned the Irish alphabet. I heard tell of one family who had two boys whose names were, one John and the other Owen, and it was the laugh of the whole country, because they had two of the one name. My tax-receipt is in the name of Owen Dougherty. The taxcollector on that receipt goes under the name of an Irishman. I know Bryan Monaghan by eyesight; I am acquainted with him going around collecting tax; that's all. I heard from others that he was an Irishman, and that's all I got for it. I do believe that he is an Irishman. I have heard him talk the Irish language.

OWEN DOUGHERTY.

Sworn and subscribed to before me this 30th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK MCGEEVER sworn.

I live in South Butler, Butler Township. I voted at the last November election. I have my papers with me. I have lived about a year, I think, in Butler Township. I paid my State and county tax for 1876 on October 7, 1876.

(Naturalization-paper produced, issued by the court of common pleas of Northampton County, Pennsylvania, 7th day of October, 1867, to Patrick McKeever.)

This is the paper on which I claim my United States citizenship. I cannot tell for whom I voted for Congress at the last election.

Cross-examined:

These are my papers. I got them out of the court myself. Thousands of people call me McKeever. I go by the name of McGeever or McKeever. I don't know as there is any odds between the two names.

his
PATRICK + McGEEVER.
mark.

Sworn and subscribed to before me this 30th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

DENNIS DEVERS sworn.

I live in East Butler, Butler Township. I don't know of any man by name but myself in the neighborhood. I didn't vote at the last election at all.

his
DENNIS + DEVERS.
mark.

Sworn and subscribed to before me this 30th day of January, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned until 6.30 p. m.

6.30 P. M.

Met in pursuance of adjournment, and none of the witnesses responding, the taking of testimony at this point closed.

H. K. WESTON,
Notary Public.

In the matter of the contested election in the thirteenth Congressional district of Pennsylvania for a seat to represent said district in the House of Representatives of the United States in the Forty-fifth Congress.

Depositions of witnesses taken before Hiram K. Weston, a notary public in and for the county of Schuylkill and State of Pennsylvania, residing in the said thirteenth Congressional district of Pennsylvania, at the public house of Mrs. M. J. Deach, in the borough of Shenandoah, in the said county of Schuylkill, on the part of James L. Nutting, contestant, on the first day of February, A. D. 1877.

Parties present: Edward Monaghan, of counsel for contestant, and Lewis D. Haughawout, of counsel for incumbent.

Edward Monaghan, esq., offers a copy of notice of taking testimony at this time and place, Exhibit G, with proof of service on the incumbent.

MICHAEL MCGRATH sworn.

I live in West Mahanoy Township. I voted at the last election. I was 21 last August. I was born in this country. I never paid a State or county tax. I never voted before the last election. My father is a voter.

MICHAEL McGRATH.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK MCGRATH sworn.

I live in West Mahanoy Township. I voted at the last election. I did not myself pay any tax for 1875. I paid my State and county tax for 1876 to John Donnelly. I paid it after the election of November 7, 1876. When I came to the poll I asked for a full Democratic ticket, and I got it and voted it. I voted the ticket I asked for.

his
PATRICK + MCGRATH.
mark.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL MALLEY sworn.

I live in West Mahanoy Township. I voted at the last election. I am, believe I am, between 25 and 26 years of age, as near as I can judge. (Witness produces tax-receipts for taxes for 1875.) I paid this myself to John Deane, collector. I got State and county tax-receipts for 1876 from Patrick Monahan on the day of election. I had no money on that day, and did not pay him that day, but my mother paid him after the election. I have got my papers, but have not seen anything of them since the day of election. I had them in my coat pocket, but whatever happened since I could not find them. John Deane was the witness on my naturalization-papers. I came to this country some 7 or 8 years ago, so far as I can judge. According to my mother's statement I was 18 years of age when I came to this country. I voted the full Democratic ticket at the election of November 7, 1876.

his
MICHAEL + MALLEY.
mark.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN CUMMINGS sworn.

I live in West Mahanoy Township; I voted at the last election; I have tax-receipts with me.

(Witness produces notice from John Deane, collector, notifying him to pay his State and county tax for 1875. Witness produces tax-receipt, dated January 25, 1877, $4.40, for State, county, building, and school tax for the year 1876, signed John Donnelly, collector.)

These are all the receipts I have, and I always got receipts for taxes paid by me. I have none other than this one. I voted the Democratic ticket.

JOHN CUMMINGS.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

ANTHONY DIXON sworn.

I live in West Mahanoy Township; I voted at the last election; I have tax-receipts with me.

(Witness produces tax-receipt, dated September 26, 1874, for $1.95, for county and road tax for 1874, signed John Cochlin, collector.) This

is my receipt. (Witness produces tax-receipt, dated October 5, 1876, for State, county, and building tax for the year 1876, signed John Donnelly, collector.)

I got this receipt on the day of last election, November 7, 1876. I got an extension of time and have not paid this tax yet. I have no other State and county tax-receipt with me. I have no tax-receipt for 1875. I always voted the Democratic ticket; I voted the Democratic ticket all through.

ANTHONY DIXON.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

EDWARD PURCELL sworn.

I live in Raven Run, West Mahanoy Township; I have my tax-receipts with me; I was born in Ireland; I was naturalized; I guess must be over 40 years of age; about 42 or 43, as near as I can tell; I came to this country in 1847; I paid no State or county tax for 1875 or 1876; I have paid no State or county tax within two years preceding the last election; I voted for James B. Reilly for Congress at the last election, November 7, 1876.

his
EDWARD + PURCELL.
mark.

Sworn and subscribed to before me this 1st day of February, A. D 1877.

H. K. WESTON,
Notary Public.

MICHAEL MACK sworn.

I live in West Mahanoy Township; I voted at the last election; I have tax-receipts with me. (Witness produces a "notice" from John Deane, collector, notifying him to pay his taxes—State and county—for the year 1875.) I paid no State or county tax for 1876; I paid no State or county tax for 1874. I voted for James B. Riley for Congress at the election of November 7, 1876.

MICHAEL MACK.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

ANTHONY MCLAUGHLIN sworn.

I live in West Mahanoy Township; I voted at the last election; I have my tax-receipts with me.

(Witness produces State and county and road tax receipt for 1874, dated September 14, 1874, for $1.20; John Cochlin, collector. Also, notice from John Deane, notifying him to pay his State and county tax for 1875; also State and county tax receipt for 1876, dated January 26, 1877, for $0.83; signed John Donnelly, collector.)

These are all the papers I have bearing any reference to my taxes since the year 1874.

(Naturalization-paper produced issued out of courts of common pleas of Schuylkill County, bearing date of October 1, 1866; Jos. M. Feger, prothonotary.)

Patrick Lally was the witness. It was Lally who gave my age at the

time that I got my naturalization-papers. I am fifty years of age—at least that; I am going on twenty-six years in the country, according as my knowledge goes. According as Tom Smith told me, I voted the full Democratic ticket.

his
ANTHONY + McLAUGHLIN.
mark.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

TERRENCE MAGUIRE sworn.

I live in West Mahanoy Township; I voted at the last election; I have my tax-receipts with me.

(Witness produces tax-receipt dated October 4, 1876, for $1.10, for State, county, and building tax for the year 1876; John Donnelly, collector.)

This is my receipt; I can't tell when I paid this tax; I can't read or write, and I don't know anything at all about it. I got this receipt from John Donnelly upon the day of election last, November 7, 1876, and I paid him for it after that.

(Witness produces "notice" from John Deane, notifying him to pay State and county tax for the year 1875; also produces State, county, and road tax receipt for the year 1874, dated September 30, 1874, $1.30; John Cochlin, collector.)

These are all the papers I have relating to taxes for the years 1874, 1875, and 1876. I was born in Ireland; I couldn't tell how old I am; I am about forty-eight, over or under, I couldn't tell exactly; I'm certain I'm that; I have lived in this country about twenty years. I lived in Raven Run, where I got this naturalization-paper. My witness's name was Miles Gillooley. At the time he was my witness he lived in Centralia, Columbia County.

his
TERRENCE + MAGUIRE.
mark.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

EDWARD HOUSTON sworn.

I live in West Mahanoy Township. I voted at the last election. I have tax-receipts with me.

(Produces receipts, and found satisfactory.)

EDWARD HOUSTON.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES COSTELLO sworn.

I live in West Mahanoy Township. I voted at the last election.

(Witness produces tax-receipt dated October 4, 1876, for State and county tax for 1876; amount, $1.65; signed, John Donnelly, collector.)

I got this receipt on election-day last, November 7, 1876. I got it from John Donnelly. I did not pay for it on election-day. The understanding was that the Democratic standing committee paid for it. I have not paid him for it since the election-day. I told Donnelly I had no money to pay for it, and I'd like him to see and get it paid for me,

and I suppose when he got paid for it he dated it to that effect. I had this conversation with Donnelly a few weeks before it was time to date the receipt. I suppose they must be dated thirty days before the election, so far as I can understand. I had no conversation with him forty-four days before the election.

Question. Was it two weeks before the election that you had this conversation with Donnelly?

(Objected to.)

Answer. Didn't I tell you before that it was about two weeks before the time to date this tax-receipt? I can't tell you which of these statements are correct as to the conversations had with Donnelly. I did not pay any State or county tax for 1875. I paid a State and county tax for 1874.

(Witness produces tax-receipt dated September 16, 1874, for State, county, and road tax for 1874; amount, $3.90; John Cochlin, collector.)

I did *not* pay a State or county tax since I paid the State, county, and road tax on the 16th day of September, 1874. I was born in Ireland. I was naturalized.

Cross-examined:

It was a few weeks before the date of the receipt that I had the conversation with Donnelly. I got the tax-receipt on election-day.

Redirect:

I voted for Mr. Reilly for Congress at the last election.

JAMES COSTELLO.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS B. MCLAUGHLIN sworn.

I live in West Mahanoy Township. I voted at the last election. I have tax-receipts with me.

(Witness produces tax-receipt dated July 31, 1874, for State and county tax for 1874; amount, $1.95; John Cochlin, collector.)

I paid the taxes for 1874 on the day the receipt is dated. I paid *no* State or county tax in 1875.

(Witness produces receipt for State, county, and building tax for the year 1876, dated October 4, 1876; amount, $0.83; Jno. Donnelly, collector.)

This is my tax-receipt. I got this receipt from Donnelly on the day of the election, (November 7, 1876;) I did not pay him for it at that time. I have not paid him for it since. I did not pay any State or county tax within two years preceding the last election. I voted the full Democratic ticket. I voted for James B. Reilly for Congress at the last election, (November 7, 1876.)

Cross-examined:

I am sure I voted the full Democratic ticket, because I am able to read and write. I got a bundle of Democratic tickets from Anthony Coyle. I certainly looked at my ticket before voting it. I am sure I read Reilly's name on the ticket I voted. I think I always look at my tickets before I vote. I distributed tickets there that day.

THOMAS MCLAUGHLIN.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS BURNS sworn.

I live in West Mahanoy Township. I did not vote at the last election.

his
THOMAS + BURNS.
mark.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL O'MALLEY sworn.

I live in West Mahanoy Township. I voted on the last election. I have tax-receipts with me. I was born in Ireland. I can't tell the year. I can't tell how old I am rightly. I can form no idea of how old I am. When I got my papers I did not swear to my age. I did not swear to the oath and facts contained in my naturalization-papers when I got my papers. My naturalization was not, as far as I know, read to me in the court-house in Pottsville. I swore when I got my papers, that I would stand for the country, that I swore again all foreign powers and especially against Great Britain and Ireland. That's all I swore to. I came to this country in the year 1865, some time in June. To the best of my knowledge I did not swear that I was in this country three years next preceding my arrival at the age of 21. I did not swear that I was 29 years old on the 2d of October, 1876. No one asked me to go to Pottsville to get my papers; I went myself.

(Naturalization-paper offered in evidence issued out of the court of common pleas of Schuylkill County, dated October 2, 1876. Thos. F. Kerns, prothonotary; Anthony Coyle, witness.)

Cross-examined:

I suppose the prothonotary was the man who asked me, (can't say whether he asked me or read it to me,) whether I would stand by the country. As far as I know he read it to me. I could'nt tell you whether I was over or under 20 years of age when I came to this country; that's more than I can tell.

Redirect:

I can't read nor write; but my principle was to vote the full Democratic ticket.

Recross-examined:

I don't know whom I voted for for Congress at this last election.

his
MICHAEL + O'MALLEY.
mark.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON, *Notary Public.*

THOMAS MCLAUGHLIN sworn.

I live in Raven Run, West Mahanoy Township. I voted at the last election. My parents tell me that I am between 21 and 22 years of age. I was born in this country. I was not sworn as to how old I was at the time I voted. I did not sign any papers at the election-poll on the day of election. I got a tax-receipt. Nobody swore for me when I voted at the election of November 7, 1876. I did not vote on age. I claimed the right to vote on a tax-receipt that I got for that purpose. I got it on the day of election, (November 7, 1876.)

(Witness produces State and county tax-receipt for 1876, dated October 4, 1876, $0.83; John Donnelly, collector.)

This is my tax-receipt. I handed this receipt in through the window to the election-officers when I voted. I did not pay him for that receipt. I did not pay him for it since the election.

Cross-examined:

I was born in this country. My parents tell me that I am between 21 and 22 years of age, but I can't swear to it. I've heard them say it in the house. They did not ask my age when I went to vote at the last election. I knew that I could vote on age without a tax-receipt if I had any one to swear to it. At the time my father was at home, on Raven Run. I did not ask any one to swear to my age. There was nothing said about my voting on age. I voted for Reilly, (James B.) He was running for Congress. I know I voted for Reilly, because I looked at my ticket. I can read and write.

THOMAS McLAUGHLIN.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

ANTHONY McINTYRE sworn.

I live in West Mahanoy Township. I voted at the last election. I have my tax-receipts and naturalization-papers with me. I was born in Ireland. I have no day or date. I guess I am from 35 to 48 years of age. By my own knowledge, I don't know what age I am. I will have been 13 years in this country next May.

(Witness produces naturalization-papers issued out of the court of common pleas of Schuylkill County, and known as "minority papers," on the 23d day of September, 1872. Wm. J. Matz, prothonotary, and James O'Donnell, witness.)

This is my naturalization paper.

(Witness produces a tax notice from John Deane, notifying him to pay his State and county tax for the year 1875.)

I guess I had a tax receipt for 1874, but I couldn't find it; I don't know the date of the 1874 tax receipt; I can't tell whether it was before or after the election that I got it. No, I did not pay myself a State or county tax within two years before the last election, the old woman paid it. I don't know now whether or not I swore to my age at the time I got my papers in Pottsville, but there was another man that told my age; Jack Deane told them my age; I was telling Jack that I thought I was older than what he put down.

Cross-examined:

My wife told me that she paid my tax for me in 1875; I'm not sure what age I was when I came to this country; a man that has not any learning can't tell rightly; I did not know rightly what age I was when I got my naturalization-paper.

Redirect:

A man who can't read or write, don't know who he voted for; they told me it was the Democratic ticket I voted, but I don't know whether it was or not.

his
ANTHONY + McINTYRE.
mark.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK MCLAUGHLIN sworn.

I live in West Mahanoy Township; I voted at the last election; as my parents tell me, I am between the age 23 and 24; I paid no State or county tax for 1874; I paid no State or county tax for 1875; I paid cash for my taxes in 1876; I paid that tax to John Donnelly; I got a receipt from John Donnelly for my State and county tax for the year 1876 on the day of the last election; I couldn't exactly tell the date; the tax receipt is dated October 4, 1876; the reason why I did not get it on the day I paid the money was that Mr. Donnelly did not have his tax-receipts with him that day; I was informed by one of the committee of the Democratic standing committee, that there were tax-receipts to be distributed among the people that had not tax-receipts for the last two years.

(Objected to questions as leading.)

I paid my taxes for my tax-receipt, that I could vote at the last election; if John Donnelly swore that I did not pay my taxes for 1876, then he swore to what was not true; I paid my tax although not assessed, so as I could vote at the election; I voted for James B. Reilly for Congress at the election of November 7, 1876.

Cross-examined:

I read and write.

PATRICK MCLAUGHLIN.

Sworn and subscribed to before me this 1st day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 7 p. m.

7 P. M.

Adjourned to 9 a. m. February 2, 1877.

FEBRUARY 2, 1877—9 a. m.

MARTIN GILROY sworn.

I live in West Mahanoy Township; I voted at the last election; I myself paid personally Thomas Maguire State and county tax for the year 1875; I was born in Ireland in the year 1847; I came to this country in 1864. The man who swore for me when I got my papers swore that I was 21 years age when I got my papers. As far as I can understand, I was 15 or 16 years old when I came to this country. I wasn't more than 21, to the best of my knowledge, when I got my papers. I paid a State and county tax for 1874, but I lost my receipt. I paid it to John Cochlin; I don't remember the amount. I can't tell when in 1874 I paid, but as far as I understand I paid it before the election of 1874. I paid no State or county tax in 1876. I had no money to pay it. I did not pay the State or county tax for 1875 to the regular collector, John Deane, because he was in jail. I heard my father say I was born in the year 1847. I voted for James B. Reilly for Congress at the last election.

Cross-examined:

I read and write only poorly; I read the names on my ticket before I voted it.

MARTIN GILROY.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL MANLEY sworn.

I live in West Mahanoy Township; I voted at the last election; I paid a State or county tax for 1874. This tax for 1874 I paid before the election of 1874. I paid a State or county tax since that time. I paid in Columbia County; I was living there at that time. I paid it to Neal Lenahan. He and two other men with him called on me for my tax; I don't know which of them took the money, but Neal Lenahan gave me the receipt, but, on my oath, I do not know what tax it was for. I went to Centralia, Columbia County, to live there, in August, 1875, and I left there in June, 1876. I don't know whether I was assessed in Columbia County or not. I did not pay any State or county tax for 1876.

I was born in Ireland. I don't know how old I am. It was during the late war and in the month of May that I came to this country. As far as I can understand, it was the first year or so of the war when I came to the country. I don't know whether it was 1861 or 1862 that I came to this country. From what my mother told me before I left, I was between 18 and 19 years of age when I left Ireland. At the time I got my papers old Cor. McArt took us down to Sunbury, and when the paper was filled up the lawyer asked me if I had any one to go my witness, and I said "No;" and this Patrick Hester and John Hogan came and said that they would go my witness, and they did. I suppose they did not know my age at that time, because they couldn't; they didn't know where I was from.

(Witness produces naturalization-paper issued out of the court of common pleas of Northumberland County, Pennsylvania, on the 6th day of July, 1868; witnesses, Patrick Hester and John Hogan, and signed John J. Reimensnyder, prothonotary.

This man, Patrick Hester, who was my witness, is the very man who is now in jail charged with the murder of Alexander W. Rea.

Cross-examined:

I don't know of my own knowledge about my age; all I can tell is what my mother told me before I left the old country. I got my tax-receipt for 1876 from John Donnelly. I suppose he was, and is yet, the regular collector. I did not pay him anything at all for this tax-receipt. I told him I had no money to pay, so he took my name and said he would take it to Pottsville, and would get payment from somebody in Pottsville for my tax-receipts, from whom I don't know. I don't know who, if anybody, paid my taxes for 1876. I did not pay them.

Redirect:

I voted for James B. Reilly for Congress at the last election, (November 7, 1876.)

Recross-examined:

I can read print a little. I can write my own name. Of course I picked out my own ticket when I voted.

MICHAEL MANLEY.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK MCDONALD sworn.

I live in Deanesville, West Mahanoy Township. I voted at the last election. I can't positively tell my age. I think I will be 26 or 27 years old next 7th day of July. I did not pay the State or county tax for

1874 or 1875 myself. I paid no tax for 1876. I was not assessed in either township. I was born in this county—Cumbola.

Cross-examined:

(Counsel for incumbent, upon cross-examination of witness, insists upon the right of witness to explain the payment of said taxes for 1874, but is overruled by the commissioner.

The witness not making any explanation from his own knowledge, but from information gained from a third party, and a person who was not authorized to receive or collect money for State and county tax, the commissioner decides that his explanation is incompetent, and therefore declines to place it on record.)

Redirect:

I paid Ephraim Phillips no tax at all personally. To my knowledge Ephraim Phillips's name is signed to the receipt. I voted for James B. Reilly for Congress at the last election, (November 7, 1876.) I don't suppose I was assessed in West Mahanoy Township last year.

Recross-examined:

I can write my name so you can understand it. I can read print, but only poorly.

PATRICK McDONALD.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN DUNLEAVY sworn.

I live in Loss Creek, West Mahanoy Township. I voted at the last election. As far as I can judge, I am about 22 years of age. I have lost my tax-receipts. I guess it was thirty or fifty days before the election when I got the receipt. I did not get the receipt on the day of election. I paid for the receipt when I got it. It is more than I can tell whether I paid it two or three weeks before the election. I paid no tax for 1875. I guess I did not pay any tax for 1874. I could not find my receipt, because of the death of my mother. I was born in Ireland. I came to this country about five or six years ago. I did not swear when I got this naturalization-paper that I was 24 years of age. I swore to my naturalization-paper at the time I got it. James Dixon did not know my age.

(Witness produces naturalization-papers issued out of the court of common pleas of Schuylkill County, bearing date of October 7, 1876. James Dixon, witness, and Thomas F. Kerns, prothonotary.)

Cross-examined:

I paid my taxes for 1876 to John Donnelly. There was nothing said to me at all at the last election, only the putting in of my tax-receipt. I can't tell how old I was when I came to this country. I was about 22 when I got my papers. I don't know when I got my papers.

Redirect:

I was in Pottsville, at the court-house, when I got my papers, and the judge, too, when he signed it. I went to Pottsville myself; no one asked me to go. I paid for this naturalization-paper. I voted the Democratic ticket at the last election, (November 7, 1876.)

Recross-examined:

I cannot read or write. I voted the Democratic ticket. They told me

it was the Democratic ticket. I didn't know, of my own knowledge, whether I voted for Reilly or not, because I could not read or write.

his
JOHN + DUNLEAVY.
mark.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN BURKE sworn.

I live in Dean's Patch, West Mahanoy Township. I voted at the last election. I have tax-receipts and naturalization-papers with me.

(Witness produces tax-receipts, dated, respectively, July 14, 1874, for State and county tax, $2.60, for year 1874. Jno. Cochlin, collector; also, one dated January 24, 1877, for State, county, school, and building tax for the year 1876; amount, $6.83. John Donnelly, collector.)

I was born in Ireland. I believe I am about 29 years old now. I can't tell how long I am in this country. Coming on next May, I think will have been in this country about eleven years.

(Witness produces naturalization-papers issued out of the court of quarter sessions of Schuylkill County, bearing date of July 27, 1874, the witness being Patrick Casey, and signed Charles F. Rahn, clerk of the session.)

Cross-examined:

I couldn't tell you when I paid Donnelly the taxes contained in tax-receipt dated January 24, 1877. I don't know when these taxes were paid. My wife got the receipt from George Bedford, (one of the clerks,) in the Loss Creek store. I told John Bedford that he should pay my taxes for me, as I could not get the money to pay it myself. I don't know when I told him this; couldn't say how long ago, whether a month or two or three. It was since the election of November 7, 1876, that I told him to pay my taxes for me.

Redirect:

I couldn't tell for whom I voted for Congress; I can't read nor write; but I voted the Democratic ticket at the last election.

(Witness now produces notice, as follows:)

"WEST MAHANOY TOWNSHIP, SCH. CO., PA.,
"*July* 23, 1875.

"Mr. JOHN BURKE:

"SIR: Please take notice that your State and county tax for the year 1875 is as follows:

"On county tax..... $2 00

"JOHN DEANE,
"*Collector.*"

his
JOHN + BURKE.
mark.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN LYNCH sworn.

I live in West Mahanoy Township. I voted at the last election.

(Witness produces tax-receipt dated October 5, 1876, for State and county tax for the year 1876; amount, $2.93; John Donnelly, collector.)

This is my receipt. I got this receipt before the last election. I can't tell what certain day I got it. I know it was not a month before the last election that I got this receipt. I didn't pay a State or county tax for 1875, because I was not assessed. I paid no State or county tax for 1874, because I was not in this State. I did not pay a State or county tax for 1874 in any place. I never paid any tax until I came to this State. The very minute I paid my taxes I got this Donnelly receipt. I know I gave John Donnelly $2, but don't know that I gave him any more, but suppose it's on the receipt.

Cross-examined:

I say that I got this receipt for $2.93 from John Donnelly, the day that I paid it. I paid him all the taxes he asked for at that time.

Redirect:

I know it was not a month before the last election when I got the John Donnelly receipt. I did not look at the receipt. I am no scholar. I can't tell anything about the date of the receipt. I only know that I paid him on the day I got it. I don't know for whom I voted for Congress at the last election. I didn't ask for any ticket, but I don't know what ticket he gave me. I guess Anthony Munley gave me the ticket I voted last election. That's the ticket I voted, whatever kind he gave me.

his
JOHN + LYNCH.
mark.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 1 o'clock p. m.

1 P. M.

ANTHONY DUNLEARY sworn.

I live in West Mahanoy Township; I voted at the last election; I am going on 22 years of age; my brother John was a witness here this morning; I have no tax-receipts, I lost them; it was before the election that I paid my taxes; I paid them some two or three weeks before the last election; I don't know who I paid my taxes to; I don't know John Donnelly at all; I paid them to the man who came for them, I don't know exactly what man it was; I never paid any tax before I paid this last one just mentioned.

Cross-examined:

The last election was the first time I voted; I knew that I could vote on age at the last election; there was nothing said about my voting on age; I don't know how much tax money I paid; I don't read or write.

Redirect:

I was born in Ireland; I came to this country about seven or eight years ago; my father was in this country ten years before I came out; I don't know whether my father was naturalized; I was naturalized; I have my naturalization-papers with me. (Witness produces naturalization-papers, issued out of the court of common pleas of Schuylkill

County, bearing date of October 7, 1876. Thomas F. Kearns, prothonotary; James Dixon, witness.) These are my papers; I knew I was 21 years of age when I got these papers, from what my mother told me; my brother John and I are not twins; I voted for the Democrat for Congress at last election; I voted the Democratic ticket.

his
ANTHONY + DUNLEARY.
mark.

Sworn and subscribed to before me this 2d day of February, A. D 1877.

H. K. WESTON,
Notary Public.

ANTHONY O'DONNELL sworn.

Patrick Ferguson, (interpreter,) sworn.

I live in West Mahanoy Township; I voted at the last election; I paid a State and county tax for 1874, in Northumberland County; I paid them before I voted in 1874.

(Witness produces a notice, notifying him to pay his taxes for 1875, and signed John Deane, collector; also, tax-receipt for the year 1876. State, county, building, and school tax, dated January 24, 1877; signed John Donnelly, collector, amount $1.95.)

I am nearly 40 years of age; I don't know rightly; I was in this country at the time of the war; I was not in the country before the war started.

Cross-examined:

I paid my taxes to John Donnelly after the election; I paid it to him the other day; Donnelly gave it to me conditions that I was to pay him when I got money; he gave it to me after the election.

Redirect:

(Witness produces naturalization-paper issued out of the court of common pleas of Northumberland County, signed John J. Reimensnyder, prothonotary, and John Burke and Thos. McDonnell, witnesses, and bearing date July 6, 1868.

(John J. Clarke, esq., now appears as one of the counsel for incumbent.)

Question. For whom did you vote for Congress at the last election?

(Objected to by counsel for incumbent on the ground that the witness has got no right to state for whom he voted, the right of voting by an elector being a constitutional one; that the ballot itself is the best evidence in which the elector has voted, and that can only be proved when the testimony on both sides is fully taken, and produced before the court for their investigation.

(It is agreed between E. M. Monaghan, esq., of counsel for contestant, and L. D. Haughawout, esq., and John J. Clarke, esq., of counsel for incumbent, that the above objection shall apply to all questions of similar import with the same effect as if stated at length.)

Answer. I voted the Democratic ticket.

Recross-examined:

I cannot read; I never went to school in my life. I did not open my ticket before voting it. I don't know what ticket it was, but I got it from them that were giving out Democratic tickets. William Rowan gave me the ticket. William Rowan told me it was the Democratic ticket. I only got one ticket. I don't know whether it was the State or county ticket.

I got the ticket from the party giving out the Democratic tickets, and I took and voted it. I don't know whether I voted for Nutting or not.

his
ANTHONY + O'DONNELL.
mark.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK FERGUSON sworn.

I live in West Mahanoy Township. I am about 24 years old, past. I voted at the last election.

(Witness produces tax-receipts dated October 5, 1876, for State, county, and building tax for the year 1876, $0.83; John Donnelly, collector.)

I got this receipt on the last election-day. I did not pay for this receipt. I heard some talk that the collector (Donnelly) was to get paid for this. I paid a State and county tax in 1875 for 1875. I paid it to Thomas Tobin, at Locust Gap, Northumberland County. I have not got the receipt. I was not born in this country. I have my naturalization-papers with me.

PATRICK FERGUSON.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL O'NEILL sworn.

I live in West Mahanoy Township. I voted at the last election. I have my tax-receipts with me. I have lost my naturalization-papers. I was born in Ireland. I can't tell the year in which I was born. As nearly as I can tell, I am about 34 years of age, more or less. James Buchanan was President when I came to this country. I was here about a year—I think, before the election of Mr. Lincoln. I was very young when I came to the country—a young boy. I was between 17 and 18 years, I guess, when I came to the country. I couldn't tell whether 1 was over 18 years of age.

Cross-examined:

I remember when the war first started in this country, (the late rebellion.) I did not take part in that war. I think I was a year or thereabouts in this country before the war started. I think it was the first day of May that I landed in New York. I think there was an election the fall of the year in which I came. I remember, I think, when the famine was in Ireland. I was able to walk then. I don't know how old I was then. I was an orphan at that time; an aunt took care of me. She is alive, and in this country; I don't know where. When I first came to this country I was able to do a boy's work. When I first worked here it was out on a dirt bank at Repplier's. I was only a boy; I wasn't able to work that time as I have since. I don't think I had a beard then. I got my naturalization-papers in Pottsville; my full papers all at once. I swore to these papers; took the Bible. I can't write. There was a stamp on the paper. The judge was there and signed them. I don't know was prothonotary at the time. I don't know how long since I got my papers.

Redirect:

Question. For whom did you vote for Congress at the last election?—Answer. I can neither read nor write. The ticket I got was closed. I got my ticket from Anthony Coyle, and he told me it was the Democratic ticket. That's the ticket I wanted to vote; it's the one I vote all the time. I voted that ticket believing it was the Democratic ticket. I suppose it is nine years ago, more or less, since I got my naturalization-papers.

Recross-examined:

Coyle gave me the ticket; he was on the street near the poll when he gave it to me. He represented the Democratic side. I don't know who represented the Republicans. It was late in the evening when I came. Anthony Coyle was the first I met; he asked me had I ticket, and I told him no. He then gave me a ticket. I couldn't say whether Pat Monaghan was giving tickets. I would have taken from just the same as from Anthony Coyle. I can't read. I did not open my ticket. I couldn't swear whether it was the Democratic or Republican ticket, any more than I wanted to vote that ticket. I could be deceived. I can tell about no man's voting except my own. I don't know of my own knowledge whether I voted the Democratic or Republican ticket, because I can neither read or write. I couldn't tell you that I voted for Mr. Nutting for Congress. I called for the Democratic ticket, and they told me that that was the right ticket.

his
MICHAEL + O'NEILL.
mark.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN BURKE sworn.

Michael Deane (interpreter) sworn.

I live in West Mahanoy Township. I voted at the last election. I lost my naturalization-papers. I have my tax-receipts. I was born in Ireland. I can't tell my age exactly; haven't got the date, but think I am about fifty years of age. I think it is about eleven years ago since I came to this country. I got my naturalization-papers in Pottsville. I can't tell the date, but it was last year that I got them. I got them in full at that time. James Dixon was my witness when I got my papers.

(Witness produces tax-receipt dated July 15, 1876, for State and county tax for the year 1875; amount, $0.75; Thomas Maguire, collector. Also, one dated October 4, 1876, for State, county, and building tax for the year 1876; amount, $0.28; John Donnelly, collector.)

I got the receipt from John Donnelly (dated October 4, 1876) on last election-day. I did not pay him then. Donnelly told me he had money to pay for men who were too poor to pay for them. I paid for the receipt that Thomas McGuire gave me. I don't know what certain time I paid McGuire. I did not pay any taxes to anybody before I paid that to Thomas McGuire.

Cross-examined:

Thomas McGuire didn't collect any taxes until about three months ago. When I paid Thomas McGuire the $0.75 he gave me a receipt for it. He said it was for taxes. I don't know what it was for, but he came,

and I gave him the money. I don't know what ticket I voted, but when I got the ticket I put it in. Pat Monaghan gave me the ticket and I voted it. I don't know what kind of tickets he had. I don't know where my papers are.

his
JOHN + BURKE.
mark.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL DEANE sworn.

I live in West Mahanoy Township. I voted at the last election. I have my tax-receipts with me.

(Witness produces county and road tax for year 1874, dated October 20, 1874; amount, $2.60. John Cochlin, collector. Also the following:)

"WEST MAHANOY TOWNSHIP, SCH. CO., PA.,
"*Jan'y*, 1876.

"Mr. MICHAEL DEANE:

"SIR: Please take notice that your State and county tax for the year 1875 is as follows:

"On county tax, $1.00.

(Signed) "JOHN DEANE, *Col.*"

(Witness produces tax-receipt for year 1876, State, county, and building, dated December 29, 1876; amount, $1.87; John Donnelly, collector.)

I have my naturalization-papers with me, (which are produced, and were issued out of the court of common pleas of Schuylkill County, bearing date of September 23, 1872; James O'Donnell, witness, and signed Wm. J. Matz, prothonotary.)

I was born in Ireland. I can't tell the year exactly. I was between 11 and 12 years of age when I came to this country, and I landed in this country on the 25th day of June, 1863. I can't tell where my witness, James O'Donnell, lives now. At the time, he lived in Wadesville. I don't know long I knew him when he was my witness. He might have known me in the old country. I know him now between 7 or 8 years, may be, 9 or 10; I will say 8 years.

Cross-examined:

I have not got all my tax-receipts here. The notice of John Deane to pay my tax for the year 1875 was by me paid. I can't say when it was I paid it. I have a very poor recollection. The man who was collecting the tax would not give me a month. I paid Donnelly for that 1876 tax. I do not owe any taxes other than those for this year, (1877.) I couldn't say where my State and county tax receipt for 1875 is. I voted on that notice of John Deane's, 1875, because I paid for that notice.

Redirect:

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I know I always vote the Democratic ticket.

(Mr. Clark, of counsel for incumbent, instructs and tells the witness

not to answer the question, and afterward says he can answer the question.)

A. I voted for James B. Reilly for Congress.

his
MICHAEL + DEANE.
mark.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES HERRETY sworn.

I live in West Mahanoy Township. I voted at the last election. I have naturalization-papers and tax-receipts with me.

(Witness produces tax-receipts for county tax for 1874, dated September 30, 1874, for $0.75; John Cochlin, collector. Also a notice from John Deane to witness to pay State and county tax for the year 1875. Also tax-receipt, dated December 19, 1876, for State, county, building, and school tax for 1876; amount, $3.90; John Donnelly, collector. Witness produces certificate of naturalization issued out of the court of quarter sessions of Allegheny County, September 27, 1872; signed Joseph Bronner, clerk.)

I got other papers, (my first papers.) I am about thirteen years (this spring) in this country.

Cross-examined:

These are all the tax-receipts I have. I worked on the road in payment of my taxes for 1875. John Deane did not give me any tax-receipt, but merely this notice. I have paid tolls every year since I have been in this country when assessed. Have paid them either in money or working upon the roads. I was to receive credit on the Dean receipt with the work I did on the road.

Redirect:

I did not pay in cash to John Deane for State and county tax for 1875.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted for James B. Reilly.

Recross-examined:

Deane credited me on the tax for work I done on the road opposite my own house. It was the tax that I got the notice for of 1875 that I was to have credit upon. John Dean was the supervisor.

(Said notice is now in possession, with others, of the commissioner.)

his
JAMES + HERRETY.
mark.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

ANTHONY DEANE sworn.

I live in West Mahanoy Township. I did not vote at the last election.

his
ANTHONY + DEANE.
mark.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

EDWARD MUNLEY sworn.

ANTHONY DEANE (interpreter) sworn.

I live in West Mahanoy Township. I voted at the last election.

(Witness produces tax-receipt dated October 4, 1876, for State, county, and building tax for the year 1876; amount, $0.83; John Donnelly, collector.)

I got this receipt from Donnelly on the day of last election. I have not paid him for it yet, but he is demanding it of me. I am paying taxes every year. I lost two that Cochlin gave me. I got them from Cochlin two years ago, I think. I now think it's not Cochlin. It is Cochlin. I am now sure it is Cochlin. I lost one of them in the year that Colihan and L'Velle were running for the State senate. The year in which they ran was the year when I got the receipt from Cochlin, (*i. e.*, 1874.) I had one receipt of Cochlin's which I voted on in 1874. I did not pay any tax since the election of 1874 to John Cochlin. I did not pay any taxes since then until I got the Donnelly receipt. I don't know whether I paid any taxes since the time I paid Cochlin up to the present time. I only paid road-tax since. I got the naturalization-paper in the house. John Deane left it in the house. I never swore to the paper. I never got a naturalization-paper before I got this one that was left in the house with me. I was never in Pottsville to take out naturalization-papers. I saw John Deane in my own house when he left the naturalization-paper there with me. I had no conversation with John Deane at the time, for I was lying on my bed.

Cross-examined:

It's a paper I vote on, (when shown naturalization-papers.) I got it three years ago. I have been in Pottsville. I don't know whether I was in Pottsville three years ago. I don't know the date of the naturalization-paper. I never was in the Pottsville court-house in my life. I don't know where the court-house is in Pottsville. I know where Pottsville is, but not where the court-house is. I never was in Pottsville only when the Union had a procession there.

I know a good many William Gaughans. I was not in Pottsville along with William Gaughan in September, 1868. I have seen a good many papers, but this is the first I got myself. I never put my hand to or touched the pen to any paper like that, (meaning naturalization-paper.) I often put my hand to the pen on my checks when getting my pay, but never to any paper like that. I think I never took an oath before the one I took here to-day. I don't think I know what an oath is. I know my own name; it is Edward Munley. I don't know whether or not I am the Edward Munley named in this paper. I don't know whether it was only once or twice in Pottsville; not more, I think. I had nothing to do with these late trials. I was not a witness there. I never was and never will be. I did not authorize John Deane to get this naturalization-paper for me, and I don't know how he came to get it

for me. I do not know that I lost one of my papers, or that I got this a copy in 1874.

Redirect:

The 2d of April next it will be thirteen years since I came to this country. I never in my life, I think, swore to any such paper as that.

(Certified copy of naturalization-paper offered in evidence, Exhibit H, and marked H.)

Question. For whom did you vote for Congress at election November 7, 1876?

(Objected to.)

Answer. I don't know who I voted for; I am not able to read or write.

his
EDWARD + MUNLEY.
mark.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK KILKER sworn.

I live in West Mahanoy Township. I voted at the last election. I have my tax-receipts and naturalization-papers with me. (Witness produces tax-receipt, dated September 30, 1874, for county and road tax for 1874; amount, $1.95; John Cochlin, collector. Also produces notice from John Deane, collector, notifying him to pay State and county tax for the year 1875, and dated December 30, 1875. Also produces tax-receipt for State and county tax for 1876, dated November 17, 1876; amount, $5.85; John Donnelly, collector.) I was born in Ireland. I guess I am about thirty-one or thirty-two years of age. I am fourteen years in this country; I couldn't tell you how much more than fourteen years. I cannot read nor write. I kept an account of the number of yerrs I am in this country. I don't know that I am any more than fourteen years in this country. I couldn't tell you from my own knowledge how old I was when I came to this country. I might be over 25 years of age when I got that naturalization-paper, but the man who wrote the paper must have made a mistake. It was eight years ago last September since I got my paper.

(Witness produces naturalization-paper issued out of the court of common pleas of Schuylkill County, September 8, 1868; Anthony Dixon witness, and Thos. J. McCamant, prothonotary.)

Cross-examined:

I don't remember what year I arrived in this country. I think I had been in the country about two years when the war stopped. I think it was in the summer time I came, but I can't tell what time in the summer. I did not know my exact age when my papers were taken out. I couldn't give my age without sending home for it. I arrived in New York. After arriving, I spent about fifteen months in Jersey City; then I came to this county. I am fourteen years in this county, and with the one and a half years at Jersey City would make about fifteen and a half years that I am in the country. I don't know what time of the year I came to this county. I am sure I paid the tax for 1875 to John Deane, in pursuance of the notice of December 30, 1875.

Redirect:

Question. For whom did you vote for Congress at the last election?
(Objected to.)

Answer. I couldn't tell. Pat Monahan gave me the ticket. It was folded up, and I don't know what was on it.

his
PATRICK + KILKER.
mark.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL COYNE sworn.

I live in West Mahanoy Township. I voted at the last election. I have my tax-receipts and naturalization-papers with me.

(Witness produces tax-receipts for State, county, and building tax for year 1876, dated October 4, 1876; amount, $0.83; John Donnelly, collector.)

I got this receipt on the day of the last election. I did not pay him for it. I never paid any taxes to anybody, except school-tax. I was born in Ireland. I am about 22 or 23 years of age. I am in the country about six years.

Question. For whom did you vote for Congress at election November 7, 1876?

(Objected to.)

Answer. That's more than I know.

his
MICHAEL + COYNE.
mark.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN O'DONNELL sworn.

Michael Coyne (interpreter) sworn.

I live in West Mahanoy Township. I did not vote at the last election.

his
JOHN + O'DONNELL.
mark.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL NOON sworn.

I live in West Mahanoy Township. I voted at the last election. I have my tax-receipts and naturalization-papers with me. I was born in Ireland. I can't exactly tell my age. I am 30 years or thereabouts. I am in this country going on fourteen years. I came to the country in 1863.

(Witness produces county and road tax-receipt for 1874, dated September 30, 1874; amount, $1.95; John Cochlin, collector. Also a notice from John Dean, collector, notifying him to pay his State and county tax for 1875, upon which is marked, "paid part on taxes." Also produces State, county, and building tax receipt for 1876, dated October 5, 1876; amount, $0.83; John Donnelly, collector.)

I got this tax-receipt from Donnelly on election-day last. I did not pay him for it; he gave it to me.

Cross-examined:

When I paid him the part on it (Deane) for 1875, I gave him $1. I told my wife to pay him the other $0.25. I don't know whether it was paid or not; he never demanded it afterward of me.

Redirect:

I did not since pay Deane the twenty-five cents.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. I did not look at the ticket; my intention was to vote the Democratic ticket.

his
MICHAEL + NOON.
mark.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 7 p. m.

7 P. M.

JOHN DONNELLY sworn.

The following is a list of the names of parties to whom I have given State and county tax-receipts, and for which they did not pay me prior to the election of November 7, 1876: Richard Murphy, Michael Noon, 2d, Martin Costello, Martin Burns, Michael Groody, (I think, but am not sure,) Daniel Sweeney, Patrick McDonnell, Luke Brennan, Patrick Carey, Henry Cook, Hugh Cafferty, John Welsh, Michael Monaghan, James Cosgrove, (at No. 3) John Flanigan, Patrick Gallagher, John Dunleavey, William McLaughlin, Thomas Ganghan, Michael Maloney, Thomas Costello, (I think,) Thomas Noon, (I think,) Martin Dixon, (I think.)

(Counsel for incumbent objects to the foregoing testimony of the witness on the ground that it is immaterial whether the parties above named and to whom receipts were given by witness had paid him as collector, it being a matter entirely resting on his own responsibility and a question of settlement between him (witness) and the county treasurer, and that it is irrelevant.

I know a man by the name of Patrick McLaughlin in Raven Run—a one-armed man; his name is not upon my duplicate. He paid me twenty-five cents State or county tax for 1876; he was not upon my duplicate at all. I returned him as paid. He paid me the twenty-five cents about a month before the election; it might be only two weeks—I couldn't say exactly; I told him he was not assessed. I know a man named John Dunleavy. I know I gave a man with that name a receipt on election-day. He told me that he lost his receipt, but he did not state for what year that receipt was. It was a committee receipt that I gave him. He did not pay me for it. John Dunleavy did not pay me any taxes for the year 1876.

JOHN DONNELLY.

Sworn and subscribed to before me this 2d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned until 9 a. m. February 3, 1877.

FEBRUARY 3, 1877—9 a. m.

ANTHONY COYLE sworn.

I live in West Mahanoy Township. I voted at the last election. I have my naturalization papers, also tax-receipt, with me. I believe I was born in Ireland. I can't tell my age exactly. I was going on 17 when I left the old country. I am now nine years in this country. Joseph Bowers, of Girardville, was my witness when I obtained my papers. I knew him going on five years before then.

(Witness produces tax-receipts, State and county tax-receipt, dated September 15, 1874, offered in evidence. Also notice for State and county tax for 1875, from John Deane, collector.)

I have not yet paid any tax for 1876. These are all the papers I have for taxes. I also have one from John Deane.

Cross-examined:

I have paid all my taxes up to the present date, except for the year 1876. I have paid all the taxes demanded of me. I paid Deane the last tax he demanded of me, $1.40, which I paid to him in 1875. I paid him in my own cellar. (Witness shows Deane's notice.) I paid $1.40 for that notice. (Commissioner retains notice.)

Redirect:

Question. For whom did you vote for Congress at the last election, November 7, 1877?

(Objected to.)

Answer. I can't tell exactly for whom I voted. I'm sure I didn't vote the Republican ticket. I didn't look at the ticket.

his
ANTHONY + COYLE.
mark.

Sworn and subscribed to before me this 3d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PETER GILROY sworn.

I live in West Mahanoy Township. I was born in Ireland, I suppose. I can't tell my age. I am in this country since 1864. I was unmarried when I came to this country. I have tax-receipts with me. I suppose I paid a State or county tax for 1875. In 1876 the collector came to my house for it. I had $5 and he could not change it. He came some time through the day, and in the evening my wife told me she had paid it, and I found the receipt there. I paid John Donnelly the tax for 1876 at least a week ago. It was after the last pay.

Cross-examined:

I came to this country in the spring of 1864. I don't like to say I am more than thirty years old. I think it's something about six or seven years ago since I got my papers. I think it was in June, 1870, when I got them. What I swore to when getting them was the truth so far as I knew. I directed my wife to pay that 1875 tax. She generally pays my bills. I gave her the money. She told me that she had paid it.

Redirect:

At the time I got my papers there was a man there to tell my age. I

am not going to tell my age. I don't know whether I am over thirty or not. I think I am not thirty-five years old.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to, &c.)

Answer. I think I voted for the Democratic candidate; that's what I thought I voted for.

Recross-examined:

I can state positively for whom I voted. I know Reilly—James B. Reilly—was on the ticket I voted.

PETER GILROY.

Sworn and subscribed to before me this 3d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS FLANNELLY sworn.

I live in West Mahanoy Township. I did not vote at the last election. I never voted in my life.

his
THOMAS + FLANNELLY.
mark.

Sworn and subscribed to before me this 3d day of February, A. D. 1867.

H. K. WESTON,
Notary Public.

MICHAEL NOON sworn.

I live in West Mahanoy Township. I voted at the last election. I have my tax-receipts and papers with me. I was born in Ireland. I can't exactly tell my age. I guess I am going on twenty-eight years of age. I am sixteen years in this country next May. I was married when I came to this country. I got married about six months before I came to this country. I paid a tax in 1874 (State and county) to John Cochlin. It was paid a long time before the election in 1874, (*i. e.*, the tax to Cochlin was.) I paid a State and county tax for 1875.

(Witness produces receipt June 19, 1876, for State and county tax for 1874; amount, $1.25; John Deane, collector, per Thomas McGuire.)

I paid John Donnelly a State and county tax about two weeks ago.

Cross-examined:

I got my papers in the year that Geary and Clymer ran for governor. I voted when I got them. I guess I was over twenty-one when I got the papers—something about that. I guess the paper states correct when it says I was twenty-two at the time when I got them papers. I was sixteen years old when I left Ireland and have been here sixteen years next May. I can't read nor write. I don't know how much sixteen and sixteen are. If my papers called for age twenty-two when I got them, I guess that was correct, but I don't know. I have paid all my taxes up to the present day. I don't owe any taxes to anybody, only I want to get a receipt from Donnelly, then I'm clear. The receipts I produced are all I could find, but I have more, but couldn't find them.

Question. For whom did you vote for Congress at election November 7, 1876?

(Objected to.)

Answer. I'm not going to tell who I voted for; I'll never tell anybody; I voted the whole Democratic ticket.

his
MICHAEL + NOON.
mark.

Sworn and subscribed to before me this 3d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

FRANK GARVEY sworn.

I live in West Mahanoy Township. I was born in Ireland. I voted at the last election. I can't exactly tell my age. I am not 40 years of age. I swore to a citizen's paper. I never got a paper before I got this one. I don't know when I came to this country. I am 12 years in the country anyhow. I don't know whether I am more than twelve. I paid John Cochlin a State or county tax for 1874, but couldn't find the receipt. I couldn't tell whether it was before or after the election of 1874 that I paid him the tax.

Cross-examined:

I remember getting what is called my first papers. I guess I was under a mistake when I told Mr. Monaghan that the paper produced was the only one I received. I guess it was about eight years ago since I got my paper (produced). I didn't get but the one paper, I think. I don't know how long I was in the country when I got out my first paper. I wanted to become a citizen. I knew I had to tell the prothonotary that I wanted to become a citizen. On the 12th of September, twelve years ago, I declared my intentions. I know that I went down a second time to the court-house, in 1868, and got out my second papers; I swore to this (produced) paper. Patrick Dougherty was my witness. I knew I had to get two papers before I could become a citizen. I knew that I swore twice, and what I swore to each time was correct, to the best of my knowledge and belief.

Redirect:

I don't know who gave me this paper. William H. Gallagher gave me this paper. I never went to Pottsville to swear to these papers. William H. Gallagher gave me these (produced) papers in Ashland. I know I am mistaken when I told Mr. Clarke that I swore to these papers in Pottsville. I was living on Walnut street, in Ashland, when William H. Gallagher gave me this paper. He gave it to me himself in Larry Crane's house, in Ashland. I did not have a talk with William H. Gallagher about these papers before he gave them to me. I never asked him for them. I was never in the court-house in Pottsville to swear to these papers. I don't know who the Patrick Dougherty is whose name is mentioned there on my paper. I know several Patrick Dougherty's. I was never in Squire McGee's, in Ashland, in regard to these papers. I never swore in any place for these papers. They were talking about the papers before I got them. I knew Gallagher had them, and I went into Larry Crane's and got them. I remember that Larry Crane was in the house, and Gallagher was there. I don't know who else was there. I don't know if Patrick Cummings was there. William A. Marr was not there. I don't remember what was said about getting out these papers at the time I was there. I don't know how many papers Gallagher had.

(Naturalization-paper marked I offered in evidence, and handed to commissioner.)

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted for Reilly; that's the man I intended to vote for.

Recross-examined:

I was mistaken when I told you (Mr. Clarke) that I swore to my papers.

his
FRANK + GARVEY.
mark.

Sworn and subscribed to before me this 3d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES KELLY sworn.

I live in West Mahanoy Township. I voted at the last election. Have my tax receipts with me. I did not myself, as I remember, pay any taxes for 1874, but they may be paid. I don't remember anything about my taxes for 1874. I never try to get out of paying any of my taxes.

(Witness produces notice notifying him to pay tax for year 1875, State and county tax, $1.50, signed John Deane, collector, upon which is marked "Rec'd payment." Also produces tax-receipt for 1876, dated November 16, 1876, for State and county tax, John Donnelly, collector, $4.)

I was born in Schuylkill County.

JAMES KELLY.

Sworn and subscribed to before me this 3d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL O'BOYLE sworn.

I live in West Mahanoy Township. I voted at the last election.

(Witness produces tax-receipt, dated October 5, 1876, for State, county, and building tax for 1876; amount $0.83; John Donnelly, collector.)

I can't say if I got this receipt upon the day of last election. I did not pay him for it the day I got it. I did not pay him for it since then. I have never yet paid him for this tax-receipt. I never paid any taxes in my life, and it was the first time that I ever voted. I was born in Ireland. I have naturalization-papers. I guess I am going on twenty-three years of age. I guess it's going on seven years since I came to this country.

Question. For whom did you vote for Congress at the last election?

(Objected to.)

(No cross-examination.)

Answer. I intended to vote for the Democratic ticket.

MICHAEL O'BOYLE.

Sworn and subscribed to before me this 3d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

EDWARD HERRETY sworn.

I live in West Mahanoy Township. I voted at the last election. I was born in Ireland. As near as I can tell, I am about 28 years of age or

over. I think I am ten years in the country. I can't tell the name of the man who was my witness when I got my papers. I think it was Jimmy O'Donnell. I think it was him, because—I think it was him that got the papers for us. I guess I knew him more than a year at the time he got the papers for us. I have my tax-receipts. I don't think I paid a State or county tax for 1875. I couldn't remember when in 1874 I paid my tax to John Cochlin. I got my last receipt from John Donnelly, and paid him for it. I got this Donnelly receipt for 1876 on last election-day. I did not pay him for it at that time; he took my word for it, and I paid him since. I couldn't remember whether I paid a State or county tax within two years before the last election.

Cross-examined:

I got to know James O'Donnell first at Wadesville. I can't tell the exact time. I couldn't exactly tell how many years it was. I never lived in Wadesville. I have been living around here (Girardsville and this side of it) ever since I came to the country. I have not known James O'Donnell ever since I came to this country. I couldn't tell when I first became acquainted with him. I became acquainted with him at his own house. I can't tell how long I am in the country. I guess James O'Donnell knew me five years at the time I got out my papers. I don't know that he knew me that long. I knew him some time before I got my papers. I don't know how long he knew me. I guess I am about ten years in the country. I guess I was a year in the country when I knew James O'Donnell. I don't know whether it was a year or not. He may have known me since I came out to the country. I guess I wasn't very long in the country when I knew him. I can't tell how long it was. I don't think I paid any taxes in 1875. I have a receipt for 1876.

Redirect:

About the time I got acquainted with O'Donnell was at Wadesville. I don't know that I ever met him before. I was introduced to him then. I did not know him before then, I think. At that time I lived in Girardsville. I met O'Donnell before I met him in the court-house at Pottsville. I didn't send over to Wadesville to O'Donnell to come over and swear to my papers. I can't tell what reason he had to come over and swear to my papers; I suppose because he knew me. I did not go to his house before going to Pottsville on the day I got my papers. That day I met him in Pottsville, outside of the court-house. I guess he came there on purpose to be a witness.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. Can't tell for whom. It was my intention to vote the Democratic ticket.

Re-cross examined:

I can't tell you how long it was after moving to Girardsville that I met James O'Donnell. I guess it was because he knew me and me him that I asked him to witness my paper.

his
EDWARD + HERRETY.
mark.

Sworn and subscribed to before me this 3d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN MILES sworn.

I live in West Mahanoy Township. I voted at the last election. I have my tax-receipts and naturalization-papers with me.

(Witness produces tax-receipt for 1876, dated October 5, 1876, for State, county, and building tax; amount, $0.83; John Donnelly, collector.)

I got this receipt from Donnelly on the 30th of October, 1876, (*i. e.*, before the election.) I never paid a state or county tax. I did not pay for this receipt that Donnelly gave me. I was born in Ireland. I am going on twenty-two, I guess, or twenty-three, now. I am in this country since the year 1870.

(No cross-examination.)

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. I voted the full Democratic ticket.

his
JOHN + MILES.
mark.

Sworn and subscribed to before me this 3d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS MURPHY sworn.

I live in West Mahanoy Township. I voted at the last election. I paid John Deane a State or county tax ($0.75) before he went to jail. I was born in Ireland. I have not the date for my age; I guess I am up to thirty-one, anyhow. A fellow by the name of Conville was my witness. I don't know where he lives now. He lived in Ashland when I got my papers in 1869. I got my papers in Pottsville, of course. A lawyer gave them to me, I guess. Of course I swore to them. I came to this country in 1861, on the 17th day of May. I am sure I was not seventeen years of age when I came to this country. I did not pay any tax for 1876.

(Witness produces the notice, dated December 23, 1875, from John Deane, notifying him to pay his State and county tax for 1875; amount, $0.75; upon which is marked the words, "Received payment." Also, produces tax-receipt, dated September 30, 1874, State and county tax for 1874; amount, $0.75; John Cochlin, collector.)

Cross-examined:

I paid all my taxes up to last year. I only owe for last year.

Redirect:

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I supported the Democratic ticket.

his
THOMAS + MURPHY.
mark.

Sworn and subscribed to before me this 3d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN PURCELL sworn.

I live in West Mahanoy Township. I voted at the last election. I paid John Cochlin State and county tax for 1874. I paid him before the election in 1874. I have naturalization-papers. I paid no State or county tax for 1875 or 1876. I was born in Ireland. I guess I am between 44 and 45 years of age. I came to this country in the fall of 1851. I am between 25 and 26 years in the country. I think it was in the month of October, 1851, when I came to this country.

Cross-examination:

I guess I was between 18 and 19 when I came to this country. I was 18, I am sure, and more than that; can't rightly tell how much more. I believe I was 19 years old when I came to the country. I am not real sure of my age, but, to the best of my opinion, I was 19 years of age when I came to this country.

Redirect:

Question. For whom did you vote for Congress, election of November 7, 1876?

(Objected to.)

Answer. I voted for Reilly.

his
JOHN + PURCELL.
mark.

Sworn and subscribed to before me this 3d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK MONAHAN sworn.

I live in West Mahanoy Township. I voted at the last election. I have not got my papers; I could not find them. I was born in Ireland. I can't tell my age. Cannot tell how old I was when I came to this country. It is about 23 years since I left Ireland. I was only a little boy when I left Ireland. I then went to England. Can't say how long I was there. Can't tell if I was a year there or 50 years. I can't tell how long I am in this country. I am married. Have three or four children. Don't know how old they are. I know that I got naturalization-papers. I can't tell you how old I swore I was when I got my naturalization-papers. I am between 35 or 38 years of age, perhaps. I did not come before the war. It was after the war when I came to this country. I know I am in this country more than 10 years. I may be 12 or 13 years in this country. I don't know how many years it is since I got my papers. It is anyhow more than 5 years since. I don't know who my witness was. James Knox, I think, was the man who swore when I got my papers. Am not positive, but he said he'd get them. There were two or three men there. I seen Knox two or three times before the day I saw him in the court-house at Pottsville. James O'Donnell was there the same day. I didn't pay any tax from the time I paid Cochlin in 1874, for 1874, up to January 4, 1877 (for 1876), then I paid John Donnelly.

(Tax-receipt produced; dated September 30, 1874; $3.90 for county and road tax for 1874; and signed John Cochlin, collector.)

I did not pay a State or county tax for 1875. I did not pay a State or county tax in 1876.

Cross-examined:

I can't say when I got my naturalization-papers. I have been a

voter 4 or 5 years, and all the time in West Mahanoy Township. I was only called on once by the election-board to produce my naturalization-papers or tax-receipts. I produced them the first time I voted. The board did not call on me since to show them. I was exonerated from tax in 1875. Jno. M. Price, the assessor, told me I was exempt from paying tax in 1875, and I did not pay any tax for 1875. I paid the money for my tax-receipt for 1876. I got my 1876 tax-receipt from Donnelly on January 4, 1877.

Redirect:

I paid my tax on the 4th of January last for county tax for 1876.

Q. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

A. I don't know whether I voted for Reilly or not. I did not look at the ticket.

Recross-examined:

I read and write a little. I did not look at my ticket. I might have voted for Nutting for all I know, The ticket that was handed me by "Big Monaghan" I just put it right in.

Redirect:

I knew that James B. Reilley was running for Congress at the last leection. I don't know whether I intended for Reilly or not. I voted for curiosity. No.

PATRICK MONAGHAN.

Sworn and subscribed to before me this 3d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL O'BOYLE sworn.

I live at Loss Creek, West Mahanoy Township. I voted at the last election.

(Witness produces receipt dated November 18, 1875, for road-tax for 1875, $2.25, James Bell, collector. Also produces tax-receipt for school-tax for year 1875, dated November 16, 1875; amount, $3; Patrick Lavelle, collector. Witness produces naturalization-papers issued out of the court of common pleas of Schuylkill County, dated October 7, 1876; Thomas F. Kerns, prothonotary; James Dixon, witness.)

I was born in Ireland. I am in this country between 12 and 13 years as nearly as I can tell. I gave a guess on my age at the time I got my papers, and I thought I was about 31 years of age at that time. All the taxes I ever paid are contained in these receipts (above receipts referred to by witness.) I don't know where James Dixon, my witness, lives.

Cross examined:

I have no real estate property. I don't know whether the $3 paid to Lavelle was for anything more. The receipt says for school-tax. I never paid personally any State or county tax to John Donnelly. My wife said she paid the 1875 tax to John Donnelly.

Redirect:

(Witness produces tax-receipt for 1876 for State, county, and building tax dated November 17, 1876; amount, $1; John Donnelly, collector.)

I can't tell when Donnelly gave me this receipt. I did not vote on

this receipt. I don't know what my age was when I came to this country.

For whom did you vote for Congress at election November 7, 1876?
(Objected to.)

I don't know who for. I voted the ticket Monaghan gave me.

his
MICHAEL + O'BOYLE.
mark.

Sworn and subscribed to before me this 3d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL BURNS sworn.

I live in West Mahanoy Township. I voted at the last election. I got a State and county tax receipt from John Donnelly on the day of last election. I never paid him for it. He did not ask me for it. I did pay John Cochlin a State or county tax for 1874. I voted on the tax-receipt I got from John Cochlin in 1874, at the election held in 1874. I did not pay a State or county tax for 1875. I did not pay a State or county tax within two years before the last election. I was born in Pottsville. I think I am about 24 or 26 years of age.

Cross-examined:

I am not married. I voted the first time in 1874. I paid my taxes in 1874. I am sure I did not pay my State or county tax in 1875. I paid school and road tax in August, 1875, but have not got the receipts along.

I can read a little. I am sure these taxes were only for road and school tax.

Redirect:

Question. For whom did you vote for Congress at election of November 7, 1876?
(Objected to.)
Answer. I voted for James B. Reilly.

Recross-examined:

I am sure I voted Reilly. To the best of my opinion, I got my ticket from Tom Smith. I read my ticket before I voted it.

MICHAEL BURNS.

Sworn and subscribed to before me this 3d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES MONAGHAN sworn.

I live in West Mahanoy Township. I voted at the last election. Have tax-receipts with me. I was naturalized. I am in this country about 8 years or 9 years; between 8 and 9, I believe. John Deane left my naturalization-paper at my boarding-house. I don't know any more than the man in the moon when he left those papers there. (Witness admonished to tell a straight story.) I was never in Pottsville to swear to them papers. I got no naturalization-papers this year. I am not sure whether I ever voted before this last time, November 7, 1876.

(Naturalization-paper produced, issued out of the court of common pleas of Schuylkill County to James Monaghan, bearing date of January 2, 1872. Witness, John Cosgrove. Signed Wm. J. Matz, prothonotary. Paper offered in evidence, and marked "Exhibit J.")

I saw this paper before I saw it here to-day. Since I got this paper I have had it. I can't swear that this is the paper. I can neither read nor write, but it looks like the paper that John Deane left at my boarding-house. I guess this is the paper (witness shown paper) upon which I claimed the right to vote at the last election, (November 7, 1876.) I had no other paper since that time, (citizen's papers I mean.) I had no other naturalization-papers before the election, but this same one. (Five receipts produced and found correct.)

Cross-examined:

I don't think I voted at all before the last election, (November 7, 1876.) I did not go to Pottsville to get this paper, (naturalization-paper referred to.) I have been in Pottsville; I was there the day I was looking for the other paper, that I didn't get. I had a witness down with me when I went to get my paper. James Dixon was the witness who was down along with me when I went to get the papers. I don't know William J. Matz, the man whose name is signed to this paper, (naturalization paper of which above is the abstract.) I was in the Pottsville court-house, I couldn't tell exactly when. It was some time before the election when I went down for these papers that I did not get. I was in Pottsville immediately after landing. I came to this country about 8 or 9 years ago. I am now between 25 and 26 years of age. I was about 16 or 17 when I came to this country.

Redirect:

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I don't know what ticket I voted. I voted the ticket I got. I think Pat Monaghan gave me the ticket. I cannot read or write.

his
JAMES + MONAHAN.
mark.

Sworn and subscribed to before me this 3d day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to February 5, 1877, 9 a. m.

FEBRUARY 5, 1877—9 a. m.

JAMES GROODY sworn.

I live in West Mahanoy Township. I voted at the last election. Have tax-receipts. Have no naturalization-papers. I have paid no more State or county tax for 1874, 1875, 1876. I was born in this country and county. I did not pay money for State or county tax for 1876.

Cross-examined:

(Counsel for incumbent produces tax-receipt dated October 6, 1876, for county and State and building tax, $0.83, for 1876; John Donnelly, collector.)

Jno. Donnelly is the collector of county, State, and building tax for West Mahanoy Township. He gave me this receipt.

Redirect:

I did not pay John Donnelly for this receipt. I got it upon the day of ast election.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. Can't tell for whom I voted for Congress. I voted for Cooper. I did not know that there were two tickets. I knew there was a man running for Congress. I couldn't tell whether I voted for some man for Congress. I got my ticket from Edward Kinney. It's for Cooper I was going.

Recross-examined:

So far as I know I only got one ticket. I did not open it. I didn't know what was in it.

JAMES GROODY.

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MARTIN DIXON sworn.

I live in West Mahanoy Township. I voted at the last election. I have a tax-receipt for 1876. I did not pay a State or county tax for 1874 or 1875; don't think I needed one. I did not pay in money any State or county tax for 1876. I did not pay for it in any way.

Cross-examined:

(Incumbent's counsel produces tax-receipt dated October 4, 1876, for taxes for county, State, and building for 1876, $0.83; Jno. Donnelly, collector.)

I believe John Donnelly is collector for West Mahanoy Township; at least I think so. He gave me that receipt.

Redirect:

I never paid John Donnelly for this receipt.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted for James B. Reilly.

MARTIN DIXON.

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK J. DIXON sworn.

I live in West Mahanoy Township. I voted at the last election. Have naturalization-paper with me.

(Witness produces a discharge from the Army dated July 12, 1865.)

I did not pay a State or county tax for 1874. I paid a State and county tax for the year 1875. I paid it to John Deane. I paid him $0.75.

Cross-examined:

John Deane was the collector of State and county tax for West Mahanoy Township in 1875; at least I paid to him. I paid John Deane at Heaton's blacksmith-shop at Raven Run.

PATRICK J. DIXON.

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON,
Notary Public

MICHAEL GROODY sworn.

I live in West Mahanoy Township. I voted at the last election. Yes; I voted for Cooper. Its more than I can tell whether I paid a State or county tax in 1874. I paid a State and county tax for 1875. I paid to a man named McGuire, I think. I did not pay tax for 1876.

Cross-examined:

Thomas McGuire was the collector of taxes for West Mahanoy Township; at least I considered him as such. I paid him $0.25 in 1876. I don't know but that it was for the taxes of 1875.

Redirect:

(Produces the receipt, dated October 21, 1876, for State and county tax for 1875; amount, $0.25; Thos. McGuire.)

I don't know whether I paid a State or county tax in 1875. I did not pay a State or county tax to John Deane.

Q. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

A. I voted for Cooper. I didn't look at the ticket. I just dropped it in as I got it. I can't recollect the name of the man from whom I got my ticket. Thomas Kennedy, I think, was the man's name.

Recross-examined:

My ticket was all together, in onepiece. I did not open my ticket. I used to pay heavy taxes, until my sight failed me; then I was told that if I paid a tax of twenty-five cents I would be entitled to vote. After my sight failed I always paid twenty-five cents, and a great deal more. I paid all my taxes up to three years ago; that is, I paid the heavy taxes up to three years ago, and then it was that I commenced to pay the twenty-five cents to enable me to vote. I can't say whether I have paid that twenty-five cents every year since then or not, but when I paid it I paid it to the tax-collector, and I paid this whenever he (tax-collector) demanded it. I don't know that I know of owing any taxes up to last year.

In chief:

I did not pay any tax to John Donnelly last year. I don't think I paid John Cochlin any taxes in 1874. The last time I paid him (Cochlin) I paid him in full for county, State, and road.

his
MICHAEL + GROODY.
mark.

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK TOBIN sworn.

I live in West Mahanoy Township. I voted at the last election. I paid State and county tax for 1874, but have not got the receipt. I paid it in 1874, to Cochlin, before the election of 1874. I paid no State or county tax for 1875. I was not assessed. I did not pay any State or county tax for 1876. I have the tax-receipt with me for 1876.

Cross-examined:

I paid a tax to Cochlin in 1874.

(Counsel for incumbent produces tax-receipt, dated October 5, 1876, for county, State, and building tax for 1876; $1.65; Jno. Donnelly, collector.)

Donnelly is the collector of taxes for that township. He gave me this receipt, but I promised to pay him. I had not the money at the time.

Redirect:

I got this receipt from John Donnelly on the day of the last election, and that was the day that I promised to pay him. I did not pay him since for it, but he has been in the house asking for it, but I had not the money to give him.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted the Democratic ticket.

Recross-examined:

I voted the Democratic ticket in 1875.

his
PATRICK + TOBIN.
mark.

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK HARNEN sworn:

I live in Raven Run, West Mahanoy Township. I voted at the last election. I have tax-receipts and naturalization-papers. I was born in Ireland. I came to this country in 1845, and am in the State ever since. I was born on 16th of March, 1817, and will be sixty years old next March.

(Naturalization-papers produced, issued out of the court of common pleas of Schuylkill County, on the 8th day of September, 1868; Thomas J. McCamant prothonotary, and John Purcell witness.)

I was about 27 years old when I came to this country. The oath contained in my naturalization-paper, as to my arriving in this country at the age of 18 years, is not true.

Cross-examined:

I did not mean to take a false oath at the time I took out my naturalization-papers, nor did I know that it was false until read, to-day, by Mr. Monaghan. If I had known such a clause was there in the oath was there, I would not have taken it. The time I took out my papers I was in the country about 23 years. At that time I was told that I was long enough in the country to enable me get out my papers, and I declared my intentions to become a citizen the last year the court was at Orwigsburg. I think I was over a year in the country at that time. I knew that it was necessary for me to take out what is called my first papers, because I was born in the old country. I got a paper when I declared my intentions. I think I was living in Heckscherville at that time. I guess I lost that paper. I thought I was entitled to my second paper inasmuch as I took out my first paper, and I still believe this to be my citizen paper. (The paper produced.) If any deception has been played, then I had no knowledge of it. I still claim to be entitled to my citizen papers, because I declared my intentions over 20 years ago.

Redirect:

John Purcell, my witness, lives in Raven Run. No one asked me to go to Pottsville this last time when I went to get my papers. I had all along intended to do so. John Purcell knew me about six or seven years before I got my papers.

Question. For whom did you vote for Congress at the last election November 7, 1876.

(Objected to.)

Answer. I voted the Democratic ticket all through.

(Naturalization paper, marked "K," handed to the commissioner.)

Recross-examined:

I first became acquainted with John Purcell in Silver Creek. I was living at the Valley Furnace at that time. I don't know exactly when that was. I am living up here 10 years. I guess I knew Purcell about 16 or 17 years.

his
PATRICK + HARNEN.
mark

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL MCGRATH sworn:

I live in West Mahanoy Township. I voted at the last election. I have neither tax-receipts or naturalization-papers with me. At the last election I had them, and God knows what became of them; they are now gone, but I don't know where they are. I was born in Ireland. I am about 31 years of age. I am in this country twelve (12) years last Fourth of July. I was married when I came to this country. I had one of a family when I came to this country. I know I was not 20 when I got married. I know I was over 20 years of age when I came to this country. I got my naturalization-papers 8 years ago. I got them in Pottsville. Toney Carey was my witness. I never got more than the one paper. I could'nt swear when getting my papers that I came to the country under 21 years of age, because I did not come under that age. I paid a State and county tax in 1874 to Jack Deane. I paid a State and county tax to John Cochlin when he was collector. I paid my tax whenever they came for it if I had it. I did not pay any tax for 1877. I did pay for last year, 1876, and I paid it to John Deane. I paid him before he was put in jail. I have not paid any tax to any one since I paid it to him. I don't know where these tax-receipts are now. I lost them. I looked for them before I came.

Cross examined:

It may be correct, for all I know, that I was about 18 years old when I came to this country. So far as I know, it may as well be 18 as 20. Of course I can't remember when I was born. I came from county Mayo, Ireland.

Redirect:

Question. For whom did you vote for Congress at the election November 7, 1876.

(Objected to.)

Answer. I voted the full Democratic ticket.

his
MICHAEL + MCGRATH.
mark

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

LUKE BRENNAN sworn:

I live in Colorado, West Mahanoy Township. I voted at the last election. I have tax-receipts. I was born in 1851, in Pottsville. I can't tell whether I paid State and county tax for 1874. I paid once, I know; maybe I paid once or twice. At the election of 1874 I voted on the strength of my 1874 tax-receipts.

I think it was John Deane I paid in 1875. Now, when I come to think, I did not pay John Deane a State or county tax in 1875; I did not pay him at all; I think he gave me free. I don't know whether I paid John Donnelly in 1876. I know I never voted without paying my taxes. John Donnelly gave me a State and county tax-receipt for 1876. I got it from him on last election-day. I did not pay John Donnelly for it then, nor since then; he gave it clear.

Cross-examined:

John Donnelly was the tax-collector for West Mahanoy Township for 1876. He gave me the receipt for the taxes for 1876, but I lost it. He put my brother's name on it, instead of my own.

Redirect:

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted for Reilly.

LUKE BRENNAN.

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

RICHARD MURPHY sworn.

I live in West Mahanoy Township. I voted at the last election, the only time I ever did vote. I was born in Ireland. I will be 14 years in this country on the 8th of next April. I am going on my 28th year of age. I have tax-receipts with me. I did not pay a State or county tax in 1874 or 1875. I did not pay a State or county tax in 1876, but I got a receipt from Donnelly, which I understood was paid.

Cross-examined:

(Counsel for incumbent produces tax-receipt dated October 4, 1876, for county, State, and building tax for 1876, amount $0.83; John Donnelly, collector.)

John Donnelly was the tax collector for 1876 in West Mahanoy Township. He gave me this receipt. He told me it was all right, and did not say anything to me about paying for it.

Redirect:

I got it on election-day, November 7, 1876. I had no conversation with Donnelly before election-day about this receipt. I did not know anything about it until election-day.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted the whole Democratic ticket; I don't remember who was running for Congress.

RICHARD MURPHY.

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

DENNIS BRENNAN sworn.

I live in West Mahanoy Township. I voted at the last election. I have tax-receipts. I did not pay any State or county tax in 1874. I did not pay any State or county tax in 1875. I was not assessed. I did not pay any State or county tax in 1876.

Cross-examined:

(Counsel for incumbent produces tax-receipt, dated October 4, 1876, for county, State and building tax for 1876, amount $1.65; Jno. Donnelly, collector.)

John Donnelly was the tax-collector for West Mahanoy Township. He gave me the receipt. He told me it was all right, when he gave it to me. He never since demanded the money for this receipt from me, but for school-tax he did. I thought it was all right, when he told me it was all right. I received the receipt under that impression, and I still believe that it is right.

Redirect:

I got this receipt from him on the day of last election. I had no conversation with Donnelly about the receipt before the time I got it.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. I voted the county Democratic ticket. I don't know the name, for I did not read the ticket.

Recross-examined:

I got this ticket on the day of election.

his
DENNIS + BRENNAN.
mark.

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 1 p. m.

1 P. M.

THOMAS DIXON sworn.

I live in Raven Run, West Mahanoy Township. I voted at the last election. I have no tax-receipts; did not need any. I paid State and county tax for 1876. I had receipt on election-day, but have lost it since then. I did not need it, however. I paid it in Luzerne County. I have lived in West Mahanoy Township eight or nine years. I was not here all that time. My parents have been here, though I was not here all last year. I came here in the latter end of June of last year. I paid my tax in Luzerne County, in a place called Nanticoke. It was stopped in the office. Samuel Keatline was the collector; I can't tell how much it was. I guess am very nearly twenty-two years old; I am no more, anyhow. I made no proof of my age at the last election. I did not sign any papers at the last election in order to vote. I voted by reason of the tax I paid in Luzerne County; it was State and county tax and also school-tax that I paid in Luzerne County. I can't tell the name of the State and county tax-collector.

Cross-examined:

I was not asked to sign any papers by the election-board. I was not challenged on account of my age. I was over twenty-one on the last election-day. I thought I could vote on age up to when I became twenty-two. I knew the collector had no right to collect tax from me until I became twenty-two; but as the tax-collector had demanded them, and they were stopped out of my wages, I did not like to make any trouble about it. I am well aware that it was not necessary to have a tax-receipt to entitle me to vote, and it was not on my tax-receipt altogether I voted; I was to vote on age anyhow, and I brought tax-receipt along in case they would challenge me. I was born in Pottsville.

THOMAS DIXON.

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON, *Notary Public.*

OWEN CLARKE sworn.

I live in Raven Run, West Mahanoy Township. I voted at the last election. Have my papers and a tax-receipt. I did not pay State or county tax in 1874. I did not pay no State or county tax in 1875 or 1876.

Cross-examined:

(Counsel for incumbent produces tax-receipt, dated October 4, 1876, amount $0.83, for State, county, and building for 1876; Jno. Donnelly, collector.)

He was the collector, and he gave me this receipt.

Redirect:

He gave me this receipt on the day of last election; I did not pay him for it; I understood it was paid by the Democratic standing committee. I had no conversation with Donnelly before the time I got it. I did not know anything about getting this receipt until I got it.

Question. For whom did you vote for Congress at election of November 7, 1876?

(Objected to.)

Answer. I voted for James B. Reilly.

Recross-examined:

He said it was all right when he gave it to me.

his
OWEN + CLARKE.
mark.

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON, *Notary Public.*

EDWARD BURK sworn.

I live in West Mahanoy Township. I voted at the last election. I was born in Ireland. I have my tax-receipts. I am going on thirty-two years of age. To the best of my opinion, I am between thirteen and fourteen years in the country. I was told by my mother that I was between sixteen and seventeen years old when I came to this country.

No cross-examination.

EDWARD BURK.

Sworn and subscribed to before me this 5th day of February, A. D. 1877

H. K. WESTON, *Notary Public.*

JAMES DIXON sworn.

I live in Loss Creek, West Mahanoy Township. I voted at the last election. I paid a State and county tax in 1874. (Produces a tax-receipt, dated July 23, 1874, for county and road tax for 1874, amount, $3.90; Jno. Cochlin, collector; also, notice to James Dixon to pay his State and county tax for 1875, signed, John Deane, collector, having on it the words "received payment" printed, and over the signature of John Deane; also, State and county and tax-receipt for 1876, dated December 21, 1876; $1.65; John Donnelly, collector.) I have not got my naturalization-papers; I lost them after the last election. I was born in Ireland; I can't tell when. I think I am something about thirty-four or thirty-five years old. I can't say whether it is thirteen, fourteen, or fifteen years since I came to this country. I got my papers all together.

Question. For whom did you vote for Congress at election of November 7, 1876?

(Objected to.)

Answer. I don't know who I voted for, but I voted the Democratic ticket. I don't know whether it was in 1867 or 1868 that I got my papers. I think it was in October, 1868.

Cross-examination:

I think I was between 17 and 18 years old when I came to the country, to the best of my knowledge.

Redirect:

To the best of my knowledge I was no more than 17 or 18 when I came to this country; I don't know rightly what age I was. I can't read nor write. I was married when I came to this country; not very long though. I ran away from my father and mother.

his
JAMES + DIXON.
mark.

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK CAREY sworn.

I live in West Mahanoy Township. I voted at the last election. I have tax-receipts with me. I did not pay a State and county tax for 1874 before the election; I paid it after the election of 1874. I don't believe I paid a State or county tax for 1875. I cannot answer you the question whether or not I voted at the election of 1874 on the Cochlin receipt. I don't know whether I voted in 1874 before or after I paid my tax for 1874. I did not pay John Donnelly State or county tax for 1876. I did not pay any one a State or county tax for 1876. I have lost my naturalization-papers. I was born in the county Mayo, Ireland. I do not know the year in which I was born. I guess I am something between 37 or 38 years of age. I am in this country between 11 and 12 years. I got my papers all together. I have now had my papers about five years and two months.

Cross-examined:

(Incumbent's counsel produces State and county, and bulding tax-receipts for 1876, dated October 5, 1876, for 83 cents; John Donnelly, collector.)

John Donnelly was the collector for 1876 of West Mahanoy Township.

He gave me this receipt. I promised him I would pay him the amount of the tax, but I had not money at the time, and he gave me the receipt on my credit. I don't know whether my Cochlin receipt was paid upon the day it is dated. He filled out the receipt the day that he gave it to me.

(It is admitted by counsel for contestant that the witness's tax-receipts are correct.)

It is correct that I am between 37 and 38 as stated in my examination-in-chief.

Redirect:

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I don't know for whom I voted; I had so many tickets I can't tell. I don't know for whom I voted.

his
PATRICK + CAREY.
mark.

Sworn and subscribed to before me this 5th day of February, A.D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL LAVIN sworn.

I live in Girardville borough; I voted at the last election; I paid a State or county tax for 1874; I have my receipts with me. (Witness produces tax-receipt for 1874, dated January 29, 1874, for county and borough tax for 1874, amount $1.50; Anthony Devitt, collector.) I paid State and county tax in 1875, to allow me to vote. I paid State or county tax so as to allow me to vote in 1876; I did not pay a State or county tax in 1875. (Witness produces tax-receipt dated November 27, 1876, for county, State, and school tax for 1876, amount $6.45; J. Gorman, collector.)

(The counsel for incumbent asks the counsel for contestant to state his offer, and the counsel for contestant replies that he is not now obliged to do so, and therefore declines.

Counsel for incumbent, after the declination of counsel for the petitioner to state the object of the proposed offer of tax-receipt dated Girardville, November 27, 1876, J. Gorman, collector, objects to the admission of said receipt in evidence on the ground that it is wholly irrelevant and immaterial to the present inquiry, and does not show, or tend to show, any illegality, if any, of the witness as a voter at the election of 1876; and for the further reason that witness does not claim to have voted on the strength of said tax-receipt so dated.

The commissioner decides to admit the receipt in evidence.)

I was born in Ireland; I can't tell the year; to the best of my knowledge it was in 1851 or 1852. I came to the country a boy, shooting marbles; to the best of my knowledge I was between 17 and 18 years of age when I came to this country. I was between three and four years here when I got my papers; and perhaps I might be five years here. I got my papers when I was 21 years of age—a little before that.

Cross-examined:

I guess I am between 25 and 26 years of age now, and nearer 26 than 25. To the best of my knowledge I was between three and four years in this country before I got my papers, and I got them when I was 21 years of age, *i. e.*, got my full papers. Anthony Carey was my witness. I live now in Girardville, and voted there last election; I have been

there since March 1, 1876; before that I lived in Shenandoah. Paid my taxes in Shenandoah when I lived there; I mean county and borough tax, and all taxes that were demanded of me. Anthony Devitt gave me tax-receipt dated Shenandoah, January 29, 1874, amount $1.50, for 1874 for county and borough tax, and signed by him as collector. I paid him $1.50 before he gave me the receipt. Certainly he gave me the receipt on that date. I voted at the last election at Girardville; they have only one election-poll there; it is a borough. I stated to Mr. Monaghan that I did not pay any State or county tax in 1875; and I so state now. The reason why I did not pay any tax for 1875 was because I went to Philadelphia; I was not here when it was demanded, or required to be paid. I knew I could, and know it now, that I could legally vote on the strength of the tax-receipt dated January 29, 1874, and I did vote upon it at the last election.

Redirect:

(Naturalization-paper produced, issued out of the court of common pleas of Schuylkill County, dated September 2, 1872; Anthony Carey, witness; signed by Wm. J. Matz, prothonotary.)

(Objected to by incumbent's counsel, because the naturalization-paper is legal *prima facie* and counsel for contestant cannot introduce evidence to contradict the record of the court, it being the best evidence, and as witness has already testified that he came to this country under the age of 18 years as required by the act of Congress to entitle him to minor naturalization-papers.)

Yes, sir; I am positive that I was in this country three years before I obtained my naturalization-papers; I am not positive that I was four years in the country before I got my papers; most undoubtedly I must have been and was in this country between three and four years before getting my papers; I can't answer whether I was more than four years or not; I suppose I was not, but I swear that I was more than three.

Redirect:

I was not in this country five years and upwards when I got my naturalization-papers.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted for Reilly.

Recross-examined:

I was instructed when I first obtained (or before) my papers that I was entitled to my naturalization-papers when 21 if I arrived in this country before I was 18 years of age, and I still believe it, and am confident that I am a qualified elector.

In chief:

Some person told me, but I can't tell who the person was.

his
MICHAEL + LAVIN.
mark.

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES COSGROVE sworn.

I live in West Mahanoy Township. I voted at the last election. I have tax-receipts with me, and naturalization-papers. (Naturalization-

paper produced, issued out by the court of common pleas of Luzerne County, Pennsylvania, dated October 8, 1868; Samuel Bowman, clerk of the sessions.) I was born in Ireland. I guess I am about 40 years old. I came to this country in 1863. This is the only naturalization-paper I ever got. (Tax-receipts admitted to be correct.)

Cross-examined:

The paper was obtained in the court of quarter sessions of Luzerne County. I got it full for my citizen paper. The clerk of the quarter sessions gave me this paper in the court at Wilkesbarre, and he told me I was entitled to the rights of a citizen upon this paper, and I voted from that day to this day. I swore to it when I got it. I was then going on six years in the country. I knew I was entitled to get my papers when I was five years in the country, and that was the reason I got them in full. I declared my intentions to become a citizen.

Redirect:

I never swore to a naturalization-paper until I swore to this one. (One above referred to.) This is all the naturalization-paper I ever got from court. It was on the day I got this paper that I declared my intentions. (Paper produced referred to.)

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. I voted the full Democratic ticket.

Recross-examined:

I guess put in two tickets; I guess the full ticket, State and county I guess. I looked at it. I don't remember all the names on. I am sure it was a full Democratic ticket with the Tilden electors.

JAMES COSGROVE.

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to February 6, 1877, at 9 a. m.

FEBRUARY 6, 1877—9 a. m.

MICHAEL MULLOWNEY sworn.

I live in West Mahanoy Township. I voted at last election. I am 23 years old. I did not pay State or county tax for 1874, 1875, or 1876.

Cross-examined:

I was born in Ireland. I am about ten years in this country. I have a tax-receipt (for State and county, I suppose) for 1876, but I did not pay for it. (Witness produces tax-receipt dated October 5, 1876, for county, State, and building tax for 1876, John Donnelly, collector; amount $0.83.) John Donnelly gave me this receipt. He is the tax-collector for West Mahanoy Township.

Redirect:

I got this (1876) receipt on the day of last election. I did not pay him since for it, nor before then.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. I voted for Reilly.

Recross-examined:

I asked Donnelly for a receipt and he gave it to me. He did not ask me for money.

his
MICHAEL + MULLOWNEY.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK MOONEY sworn.

I live in West Mahanoy Township. I voted at the last election. I paid a State and county tax to John Cochlin. The receipt I got from Cochlin I got a good while before the election of 1874. I never paid any taxes, State or county, to John Deane. I did not pay a State or county tax to John Donnelly before the last election, November 7, 1876.

Cross-examined:

John Donnelly gave me this receipt (which witness now produces; receipt October 4, 1876, for county, State, and building for 1876, $0.28; John Donnelly, collector). John Donnelly was collector for 1876, in West Mahanoy Township; can't say when I paid him for it. It was after the election I paid it.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted the Democratic ticket.

his
PATRICK + MOONEY.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON, *Notary Public.*

MARTIN BURNS sworn.

I live in West Mahanoy Township. I voted at the last election. I paid a State and county tax for 1874. (Witness produces State and county tax receipt dated October 2, 1874, $0.75; John Cochlin, collector.) I paid no State or county tax in 1875. I did not pay a State or county tax for 1876. I have a receipt for it.

Cross-examined:

(Witness produces tax-receipt dated October 5, 1876, for county, State, and building tax for 1876, $0.83; John Donnelly, collector.)

Donnelly gave me this receipt. He said nothing to me; just handed me the receipt.

Redirect:

I did not pay Donnelly for the receipt.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. I voted the Democratic ticket.

his
MARTIN + BURNS.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON, *Notary Public.*

HENRY COOK sworn.

I live in West Mahanoy Township. I voted at the last election. I did not pay a State or county tax in 1874. I did not pay a State or county tax in 1875. I did not pay a State or county tax in 1876.

Cross-examined:

(Witness produces tax-receipt, dated October 5, 1876, county, State, and building tax for 1876, $0.83; John Donnelly, collector).

John Donnelly gave me this receipt. He did not ask me for any money for this receipt. He asked me if I could give him the money.

Redirect:

I got this receipt on the day of election (November 7, 1876). I did not pay him for it since.

Question. For whom did you vote for Congress at the election, November 7, 1876?

(Objected to.)

Answer. I voted the full Democratic ticket.

his
HENRY + COOK.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK MCLEAN sworn.

I live in West Mahanoy Township; I voted at the last election; I was born in Ireland; I came to this country in the year 1863; I am between forty-five and forty-seven years old now, to the best of my knowledge. I was naturalized in 1868 or 1869. I have lost them. John Leonard was my witness.

Cross-examined:

I got my full papers (naturalization) in 1868 or 1869. I was then between five and six years in the country. I swore to the papers when I got them. They had the seal of the court on, I guess. Yes; I was in the prothonotary's office, and then I went up to the court-room and swore to them there. I guess my witness went along.

Redirect:

I got but the one paper; that is, I got them all together. I was then living in Girardville. John Leonard's residence I did not know. I knew Leonard before that day; I couldn't tell how long before that day.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted the Democratic ticket.

Recross-examined:

I understood I had my full papers.

PATRICK MCLEAN.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS GAUGHAN sworn.

I live in West Mahanoy Township. I voted at the last election; have

my tax-receipts. (Receipts examined and found correct.) I was born in Ireland. I am about 36 or 37 years old. It was in 1863 when I came to this country. I know I am 14 years in the country—14 years the 3d of next April, I think. I was naturalized; I got my papers October 12, 1868, and paid for them down in the court-house at Pottsville. James Knox was my witness.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted the Democratic ticket.

his
THOMAS + GAUGHAN.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

WILLIAM MCLAUGHLIN sworn.

I live in West Mahanoy Township; I voted at the last election; I am between 22 and 23 years of age; I did not pay any State or county tax for 1874, for 1875, or for 1876. I have a receipt for tax for 1876.

Cross-examined:

(Witness produces State, county, and building tax-receipt for 1876. Amount, $0.83. Signed, John Donnelly, collector.)

Donnelly gave me this receipt. He did not demand any money for it, but he gave it to me, and said nothing about it.

Redirect:

I got this receipt from Donnelly on last election-day.

Question. For whom did you vote for Congress at the election of November 7, 1877?

(Objected to.)

Answer. I voted the Democratic ticket.

his
WILLIAM + MCLAUGHLIN.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS NOON sworn.

I live in West Mahanoy Township; but I was living in the borough before that. I voted at the election in West Mahanoy Township. I have lost all my tax-receipts and my papers; it may be on account of my moving. I was born in Ireland. I am sure that I am more than 30 years of age. I came to this country about 14 years ago. I know I was more than 16 years of age when I came to this country, and I don't know how much more than that. I was not married when I came to this country. I don't know what age I swore I was when I got my naturalization-papers.

(It is admitted that the tax-receipts are correct.)

Cross-examined:

I don't know what age I was when I came to the country; I know I was able to do a man's work.

Redirect:

I think it is about six or seven years ago since I got my naturalization-papers. I don't know who was my witness; I don't remember the name of my witness; maybe I knew him, and maybe I did not; I don't know whether or not I knew him or not before he was my witness.

Question. For whom did you vote for Congress election of November 7, 1876?

(Objected to.)

Answer. It was my intention to vote the Democratic ticket.

his
THOMAS + NOON.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK WELSH sworn.

I live in West Mahanoy Township. I voted at the last election. I guess I paid a State or county tax in 1874; the receipt will show. (State and county tax for 1874, dated September 30, 1874. $2.60. Jno. Cochlin, collector; produced.) I have my naturalization-papers. (Tax-receipts admitted to be correct.) I was born in Ireland. I am about 45 or 46 years old. I am going on 25 or 26 years in this country. (Naturalization-papers produced in evidence, dated September 28, 1872, issued out of the court of common pleas of Schuylkill County. Wm. J. Matz, prothonotary. C. H. Smith, witness.)

Cross-examined:

When I swore to the getting my papers I was about 40, so that I was about 44 last September. That is correct so far as I understand. I was between 25 and 26 years in the country last election. I knew from my long residence in the country that I was entitled to my papers, and on that account I got them out.

Redirect:

As near as I can tell, I was about 22 years in the country when I got out my papers.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. I voted for Reilly.

his
PATRICK + WELSH.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK GALLAGAN sworn.

I live in West Mahanoy Township. I voted at the last election. I did not pay any State or county tax in 1874, nor in 1875, nor in 1876.

Cross-examined:

(Witness produces tax-receipt, dated October 5, 1876, for county, State, and building tax for 1876. Amount, $0.83. John Donnelly, collector.)

Donnelly gave me this. I did not pay him for it. He did not ask me for the money for it when he gave it to me. I asked him for the receipt, and told him I had no change.

Redirect:

I got this Donnelly receipt on the day of last election, November 7, 1876.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted the Democratic ticket.

his
PATRICK + GALLAGAN.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS COSTELLO sworn.

I live in West Mahanoy Township. I voted at the last election. I am over 25 years of age. I paid no State or county tax in 1874, nor in 1875, nor in 1876. I have a receipt, though, for 1876.

Cross-examined:

(Witness produces tax-receipt, dated October 5, 1876, for county, State, and building tax for 1876. Amount $0.83. John Donnelly, collector.)

Donnelly signed the receipt, and it came from him; can't say whether Donnelly gave it to me or not.

Redirect:

I got this tax-receipt (from Donnelly) on the day of last election, November 7, 1876. I did not then pay him for it; then nor since.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted the Democratic ticket; that was my intention.

Recross-examination:

I understood it was all right when I got this receipt. (Donnelly receipt referred to.)

THOMAS COSTELLO.

Sworn and subscribed to before me the 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

RICHARD GOLDIN sworn.

I live in West Mahanoy Township. I voted at the last election. I paid a State or county tax in 1874. (It is admitted that the tax-receipts are correct.) I was born in Ireland. I am not quite fifteen years in this country. I may be between 34 and 35 years of age; can't say exactly.

(Naturalization-papers offered in evidence, issued out of the court of common pleas of Schuylkill County, dated September 14, 1868; Morris Ryan, witness, Thos. J. McCamant, prothonotary.)

I got out my papers eight years ago last September.

Cross-examined:

I was then 26 or thereabouts (*i. e.*, when I got out my papers). So far as I know I might have been between 25 and 26 years old then. I don't think I am quite fifteen years in the country. I don't remember in what year I came to the country; it will be fifteen years next May ince I came to the country, I think. I was under 21 when I came to the country. I don't know whether I was quite 18. I can't say whether I was more than 18. When I got my papers I understood them to be my full citizen-papers. I understand them to be now my full citizen papers. I swore to them when I got them.

Redirect:

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted the whole Democratic ticket.

his
RICHARD + GOLDEN.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN BRENNAN sworn.

I live in West Mahanoy Township. I did not vote at the last election.

his
JOHN + BRENNAN.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL CARDUFF sworn.

I live in West Mahanoy Township. I voted at the last election. I did not pay a State or county tax in 1874, nor in 1875, nor in 1876, but I have a receipt for 1876.

Cross-examined:

(Witness produces tax-receipt dated October 4, 1876, for county, State, and building tax for 1876, $0.83; Jno. Donnelly, collector.)

Jno. Donnelly did not give me this receipt; Anthony Coyle gave it to me. I don't know whether Jno. Donnelly signed this receipt. I guess he is the collector.

Redirect:

I got this receipt (Donnelly receipt above) on the day of last election. I did not pay for it.

Question. For whom did you vote for Congress at the election November 7, 1876.

(Objected to.)

Answer. I guess it was the Democratic ticket.

his
MICHAEL + CARDUFF.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON, *Notary Public.*

JOHN FLANNIGAN sworn.

I live in West Mahanoy Township. I voted at the last election. I guess I paid a State or county tax in 1874. (State, county, and road tax for 1874, dated September 14, 1874; amount, $1.95; John Cochlin, collector, now produced.) I don't know whether I paid a State or county tax in 1875 or not. I did pay some to John Deane, but I have no receipt for it. On reflection, I don't think I paid John Deane any tax. I worked on the road. I did not pay a State or county tax for 1876. I have a receipt though. (It is admitted that John Deane was the tax-collector, in 1875, of State and county taxes.)

Cross-examined:

(Witness produces State, county, and building tax-receipt for 1876, dated October 5, 1876; amount, $0.83; John Donnelly, collector.)

John Donnelly gave me this receipt. He did not demand any money for it. I asked him for a receipt, and he gave it to me. He did not say anything.

Redirect:

I got this Donnelly receipt on last election day, November 7, 1876. I did not pay him for it.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. I voted for Reilly.

his
JOHN + FLANNIGAN.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL GILROY sworn.

I live in West Mahanoy Township. I voted at the last election. I was born in Ireland. As near as I can tell, I am about twenty-six years old. I am going on ten years in this country. I came here in May, 1868. I have my naturalization-papers.

(It is admitted that naturalization-papers and tax-receipts are all correct.)

his
MICHAEL + GILROY.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

EDWARD GILROY sworn.

I live in West Mahanoy Township. I voted at the last election. I could not find my naturalization-papers this morning. I am almost sure they are in the house somewhere. I was born in Ireland. I think when I got my first papers I was twenty-three years of age; that was, I think, in 1866. I got my second papers, I guess. I can't remember who my witness was on the second papers. I think I am about fifteen years in the country. I paid a State or county tax for 1874, but I can't find the receipt. I can't tell whether I paid the 1874 tax before the 1874 election. I can't tell whether I voted in 1874 on the 1874 receipt. I paid my State or county tax in 1875, but have got no receipt.

Cross-examined:

I know I could have voted at the election of 1874 on the tax-receipt of 1873 as well as on the receipt of 1874, but I can't tell whether I voted on the tax-receipt of 1874 or not. I have paid all my taxes up to the present time. I was fifteen years about in the country.

Redirect:

I got my naturalization-paper in the Pottsville court-house. I am sure those papers were not left at my house. I am sure that I swore to my papers in Pottsville court-house. I can't remember who my witness was. There was an older brother of mine (now dead) along with me at the time, and I can't tell whether he was my witness or not.

his
EDWARD + GILROY.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

ANTHONY FLANNERY sworn.

I live in West Mahanoy Township. I voted at the last election. can't exactly tell my age. I was twenty-three years old last March—so my father says. I did not pay a State or county tax in 1874. I did not pay a State or county tax in 1875 myself, but my father said he paid it for me. I did not pay a State or county tax in 1876. I was born in this country.

Cross-examined:

I live with my father; I give my earnings to my father; I purchase my own clothes; my father works in the mines; my father's name is Pat Flannery; I did not tell my father to pay my taxes in 1875 for me; he told me after they were paid; I knew they had to be paid. (Witness produces notice from John Deane, colletor, dated January 4, 1875, to Mr. Anthony Flanaly, that his tax, State and county, for 1875, is due. Amount county tax, $0.75; signed, John Deane, collector, and having the words "Received payment" thereon, and immediately over the signature "John Deane, collector.") I am the Anthony Flanaly meant in this notice. (Notice aforesaid shown witness, and he states that he is the person named thereon.)

Redirect:

I don't know whether I was assessed in 1875. There are three more Anthony Flanalys (or Flannerys) in West Mahanoy Township beside myself. To the best of my belief this receipt (one above referred to) belongs to me.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. Can't tell which ticket I voted.

his
ANTHONY + FLANNERY.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL MCGUIRE sworn.

I live in West Mahanoy Township; I voted at the last election. I

can't say whether I paid a State or county tax in 1874; I have lost my receipt. It was from John Cochlin I got my receipt. I cannot say whether I paid it before the election of 1874. I voted that year in the fall election on the receipt I got from Cochlin. I paid no State or county tax in 1875. I did not pay a State or county tax for 1876.

Cross-examined:

I have a State and county tax receipt for 1876. (Witness produces State, county, and building tax-receipt, dated October 5, 1876; $0.28; John Donnelly, collector.) Donnelly gave me this receipt; he said it was all right.

Redirect:

I got this Donnelly receipt on the day of the election (November 7, 1876); I did not pay him for it. I was born in Ireland.

Question. For whom did you vote for Congress at election of November 7, 1876?

(Objected to.)

Answer. I voted for James B. Reilly.

his
MICHAEL + McGUIRE.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES HOBIN sworn.

I live in West Mahanoy Township. I voted at the last election. I am between thirty and thirty-one years of age, I guess. I paid a State or county tax in 1874, and paid it before the election of 1874. I paid a State or county tax in 1875; I have a receipt. I paid John Deane the tax of 1875 in the house. I was born in Ireland. I have been in the country since 1849.

his
JAMES + HOBIN.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

ANTHONY HOBIN sworn.

I live in West Mahanoy Township. I voted at the last election. I paid no State or county tax in 1874, nor in 1875, nor in 1876. I am about 25 years old.

Cross-examined:

I have a receipt for the State and county tax of 1876. I got it from my brother, Martin Hobin. (Receipt produced, dated October 5, 1876, for county, State, and building tax for 1876; $0.83; John Donnelly, collector.) My brother did not tell me where he got this receipt. I guess he must have got it from the man who signed it. I don't know what John Donnelly is. My brother did not tell me whether or not he paid for the receipt.

Redirect:

I got this receipt on the day of last election and did not pay for it.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted for James B. Reilly.

his
ANTHONY + HOBIN.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL MONAGHAN sworn.

I live in West Mahanoy Township. I voted at the last election. I guess I paid a State or county tax in 1874, but I have lost the receipt. I don't know if I paid it before the election of 1874. I voted at the election of 1874 on the receipt of 1874. I guess I paid a State or county tax in 1875. I think I paid John Deane some money. I am not sure, but I think I did. I did not pay a State or county tax in 1876. I have my papers with me. (Witness produces naturalization-papers issued out of the court of common pleas of Schuylkill County, dated October 12, 1868. James Knox, witness; Thos. J. McCamant, prothonotary.) I don't know my age at all; can't guess at it. I guess I gave a guess to my age when I took out my papers. I don't know what age I gave at the time I got my papers. I don't know how old I was when I came to this country. I don't know whether I was 20 years. I know I was two years old when I came to the country. I was 10 years and over when I came to the country. I was 15 years and over 15 when I came to this country. I don't know whether I was 20 years of age or not when I came to the country. I was not married when I came to this country.

Cross-examined:

I guess I am about 14 years in this country. I guess I was between six and seven years in this country when I got my papers. Then I was between 17 and 18 years old when I came to the country. I was 24 years old when I took out my papers. I don't know whether I am now about 32; the figures by these papers would make me that; I guess I am.

(Tax receipts are admitted as correct.)

Redirect:

This (naturalization) paper belongs to me. I got them down at Pottsville court-house. I went down myself for them. I swore to them in the court-house in Pottsville. I guess I knew James Knox about three years before he was my witness. He was then living in Schuylkill Haven, in the almshouse, I guess. I don't know who sent for him to come up and swear to these (my) papers. I don't know who was down (to Pottsville) with me. I don't know if Anthoney Carey was with me. I know I did see James Knox a good many times before I saw him in the court-house that day. I seen him down at Schuylkill Haven in the almshouse, and sometimes out in the town of Schuylkill Haven. The almshouse stands to the left of the road from Schuylkill Haven. I did not ask him to come up and swear for my papers. I never asked him to swear to my papers. I don't know who brought him from Schuylkill Haven to swear to my papers. I don't know how many years he was living in the poor-house before he swore to my papers. I couldn't tell how many times I was in Schuylkill Haven. I used to go down about once a month for a couple of years. It was in the poor-house at Schuylkill Haven that

I first became acquainted with James Knox. I don't think I knew James Knox before that time. James Knox told me I was 24 years old when I got my papers. James Knox did not tell me anything about what age to put down. Nobody told me to put down "24 years" of age. I took a guess to my age when I said I was 24 at the time of taking out my papers. I don't know whether I was more than 24 then. I am sure I wasn't, I guess. I am sure I gave a guess to the "24." I was mistaken when I said that James Knox told me, when I was taking out my papers, that I was then 24 years of age. Maybe I might be nearer 24 years than 30 years when I took out my papers. I do not know a man who goes by the name of "Michael Monaghan, jr." I might sign my name "Michael Monaghan, jr.," down in Pottsville, when I got my papers. I am married. Have children. Have three children. The youngest is about two years old and the oldest is going on seven years. I am married about eight years. I couldn't tell, and can't give any guess at the age I was when I got married.

Question. For whom did you vote for Congress at election of November 7, 1876?

(Objected to.)

Answer. I voted the full Democratic ticket.

Recross-examination:

I guess the year I got married was the same year in which I got out my papers; that was, I guess, in 1868; I don't know what year. I was about twenty-four when I got married. I can't write; then I could not sign my name, Michael Monaghan, jr., but somebody else might sign it for me. I cannot read neither writing nor printing, and I would not know whether my name would be signed Michael Monaghan or Michael Monaghan, jr.

(Paper marked "L" handed to commissioner.)

his
MICHAEL + MONAGHAN.
mark.

Sworn and subscribed to before me this 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

HUGH MCCAFFREY sworn.

I live in West Mahanoy Township. I voted at the last election. I paid a State or county tax in 1874.

(Tax-receipt dated September 15, 1874, for county-tax for 1874, $0.75, John Cochlin, collector, now produced; also State and county tax-receipt for 1875, paid on 18th of November, 1876, amount $0.75, and signed Thos. McGuire, collector.)

I am not sure that I paid a State or county tax between the time that I paid Cochlin and time of paying McGuire. I did not pay for State and county tax for 1876. I was born in Ireland. I am over forty years old. I am in this country nine years past.

Cross-examined:

(Witness produces county, State, and building tax-receipts for 1876, amount $0.83, dated October 5, 1876, John Donnelly, collector.)

Donnelly gave me this receipt. He did not demand any money for it from me. He said I could vote on it.

Redirect:

I got this (Donnelly) receipt on election-day, November 7, 1876. I

did not pay him for it. I was working when John Deane left my naturalization-papers in the house. I was never in Pottsville to swear for my papers. I never knew I was to get them until they were left in the house. I had no conversation with him about them before that time. I never got any other paper but this one.

(Naturalization-paper referred to. Copy of naturalization-paper produced in evidence, bearing date of September 6, 1874, issued out of the court of common pleas of Schuylkill County, Hiram Moyer, prothonotary, marked N.)

I have voted twice on this since I got it.

Question. Who did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I don't know who I voted for.

his
HUGH + McCAFFREY.
mark.

Sworn and subscribed to before me this the 6th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 1.30 p. m.
Adjourned to 9 o'clock a. m., February 7, A. D. 1877.

FEBRUARY 7—9 a. m.

PATRICK DEANE sworn.

I live in West Mahaney Township. I voted at the last election. As far as I can understand I am about thirty-two or thirty-three years, so far as I could learn from my parents. I came to this country at about the commencement of the war. I don't know whether it was 1861 or 1862.

Cross-examined:

I obtained my naturalization-papers in October, 1866; my papers can tell. I was twenty-two years old, I guess, when I got my papers. I was here as a witness before.

his
PATRICK + DEANE.
mark.

Sworn and subscribed to before me this 7th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

ANTHONY DUNLEARY sworn.

I live in West Mahanoy Township. I voted at the last election. I don't know how long it was, but I think it was over a month before the election, November 7, 1876, when I got my naturalization-papers. Mr. Clark, attorney, got my papers for me. I did not get them the day they were filled out, the day I swore to them, but they were sent up afterward. There were a great many papers taken out that day I got mine. I was told the reason I could not get mine that day was because the prothonotary could not fill them out that day. My petition was filed that day and left. I was up in the court-house a long time. I guess it was on a Monday. The judge was on the bench, and I think they had court the same day. I was here before, and this is my second time.

Redirect:

It was not 'Squire Smith. I don't know who left them at the house. I forgot.

his
ANTHONY + DUNLEARY.
mark.

Sworn and subscribed to before me this 7th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

RICHARD MURPHY sworn.

I think it was about four weeks before the last election that I got my papers. I did not, that I know of, state to any one that I got those papers (his own) only ten days before the election. I do not know that I had any conversation with 'Squire Hay about my papers.

(The above answer is objected to as hearsay.)

Cross-examination:

I was here before, and this is my second time. I went up stairs in the court-house on the 2d of October, 1876, and swore to my petition to the prothonotary's clerk. They gave me one paper and kept the other (*i. e.*, the one I signed).

his
RICHARD + MURPHY.
mark.

Sworn and subscribed to before me this 7th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK MCDONALD sworn.

I live in West Mahanoy Township. I voted at the last election. I paid a State and county tax in 1874, but I don't know whether I have a receipt. I am sure that I paid the State and county tax for 1874 before the election in 1874. I am almost sure that there has not been a year for the past twenty years that my taxes have not been paid, both in Ashland and in the township. I think the tax for 1875—to John Deane—was paid; but I don't know whether it was to Deane or not. I can't tell whether I was on the duplicate for 1875 or not; don't see how I could escape it. I did not pay any money for taxes in 1876, but I have a receipt. I got it from my wife in the house; she told me it laid there on the cupboard.

Cross-examined:

I have always paid my taxes since I first had to pay a tax, both in Ashland and elsewhere. To the best of my knowledge, I paid the taxes for 1874 and 1875. My wife used to pay my taxes for me always, but I gave my earnings to her. It is the Donnelly receipt, for 1876, that I got in the house.

Redirect:

I did not get that receipt (the Donnelly receipt of 1876) at the poll on the day of last election. I do not know that this (1876) tax was never paid for. I asked Donnelly whether he was to give out any tax-receipts on the day of election, and he said he was to get some money to give out for taxes; but it did not reach far enough. I was born in Ireland. I can't exactly tell the year. I may be about 41 or 42 years of age. I am in this country between 22 and 23 years. I have my naturalization-papers (which were then produced).

(Naturalization-paper issued out of the court of common pleas of Schuylkill County, September 14, 1868. Thomas Connor, jr., witness; Thomas J. McCamant, prothonotary.)

Question. For whom did you vote for Congress at election November 7, 1876?

(Objected to.)

Answer. I can't tell for whom I voted for Congress.

Recross-examined:

I got my naturalization (full) papers in 1868, and am between 22 and 23 years in the country. I was somewhere between 17 and 18 years old when I came to the country.

In chief:

I knew that I was between 17 and 18 by the talk of the people. My parents told me so, and, from what my parents told me then, I am now between 41 and 42 years old, and I am between 22 and 23 years in this country. Next September, I will be 23 years in the country, I think.

his
PATRICK + McDONALD.
mark.

Sworn and subscribed to before me this 7th day of February, A. D. 1877.

TERRENCE DEANE sworn.

I live in West Mahanoy Township. I voted at the last election. I have not got my naturalization-papers with me. I got them in 1872; that's the day it was on the paper. James O'Donnell was my witness. I guess I am over 40 years old. I am about 10 years in this country. I got my papers all together, and got but the one paper.

Cross-examined:

I got but the one paper. I have not got my papers with me.

Redirect:

My son Patrick Dean is 23 or 24 years of age.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. I don't know. William Rowan handed me the ticket and I voted it.

his
TERRENCE + DEANE.
mark.

Sworn and subscribed to before me this 7th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

Patrick Deane recalled.

I voted at an election before I voted at the last one (November 7, 1876). I think the first election at which I voted was when L'Velle and Colihan was running (in 1874). I never took out any naturalization-papers. I always voted on my father's papers. I believe there was a naturalization-paper left at our house for me, but I do not know who left it there. My father told me that I was about 23 years of age now. I never paid any tax to John Cochlin, who was State and county tax-collector for 1874. I, myself, did not pay any tax for 1875; my father did. I had a receipt from John Dean, which Commissioner Weston kept.

(Witness shown receipt for taxes of 1876, and signed John Donnelly, collector.) This is not the receipt I gave to the commissioner.

Cross-examined:

I knew my father had taken out his citizen-papers. I saw them. I believed them to be correct, and still believe them correct. I was told that I could vote by reason of my father having citizen-papers, and on this account I voted. I think I voted at one election before the last one. I think I voted for Hartranft. I don't remember exactly. I know who Pershing was and is. He is judge of this county. I did not vote for him. I am sure I got a receipt from John Deane, and left it here with the commissioner. That receipt was for 1875. I did not get a receipt from John Donnelly. There are more Patrick Deans than me in West Mahanoy Township—three more, I think.

his
PATRICK + DEANE.
mark.

Sworn and subscribed to before me this 7th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

John Walsh, recalled, sworn.

Nobody left that naturalization-paper at my house (meaning the naturalization-paper produced by witness). A boy on the road gave me this paper. I couldn't rightly tell who the boy was. I was never in Pottsville to get that paper.

(Witness produces certified copy of naturalization-paper issued out of the court of common pleas of Schuylkill County, dated October 26, 1874; James Cartey witness; signed Hiram Moyer, prothonotary.)

I was in Pottsville to swear to a naturalization-paper. At that time I was not much acquainted in Pottsville, but they told me it was the court-house. I was to swear to my papers; it was in the court-house, I guess. The court-house is high up, near the prison; don't know whether it is east or west. I went up-stairs to a room, and swore there. I do not know that this is one of a batch of papers taken by Jack Deane from Pottsville to be distributed among the people of West Mahanoy Township. I never asked Jack Deane to give me a paper, and he never did give me a paper. I don't know who is James Carty, whose name is attached to my paper as a witness. I knew him that day in Pottsville; I saw him. I do not know whether I ever saw him before that day or not. I do not know whether I saw him since that time; if I did, I did not pass any remarks with him. I did not know where James Carty lived at that time. I do not know where he lives now. I did not know what business he was engaged in then, nor do I know since what business he was in or is in. I cannot give you any description of this man Carty. I do not know a Michael or a John Walsh, of Tamaqua. I do not know James Carty, of Tamaqua. I never knew them, but he told me that day in Pottsville that he was James Carty. I can't tell you of what nationality James Carty was. I never had a conversation with James Carty, that I know of, before the day I met him in Pottsville. I never had a conversation with him since. Don't know anything more about him than what I have told you. The first copy of paper I got did not have the name Nicholas Walsh instead of John Walsh.

Cross-examined:

This man Carty was not a negro; he was a white man. He may have known me without me knowing him. My general acquaintance with

him is not very extensive; it is rather limited. Carty said he knew me for over five years. I am in this country fifteen years. This is a certified copy (shown) of my full papers; I lost my others. I got out my full papers in 1868. I was then about seven years in the country; and then they all said I was a citizen.

Redirect:

I got two papers before I got this (certified copy). I don't whether or not I swore to the first one. I told you before that I swore to the second one. I told Mr. L'Velle to bring this copy to me. Mr. L'Velle did not give it to me. I can't give any idea who the boy was that gave me the paper (produced). I don't know whether he lived in my patch; I don't believe he did.

Recross examined:

L'Velle was running for senator against Colihan. I guess when I told him to get a copy of my papers I had lost or mislaid the original. I wanted to vote for L'Velle that year (1874), and did vote for him. I think I did vote in 1875. I don't know who was running for governor. I can't tell whether I voted for Pershing or Hartranft in 1875, but I did vote I think.

(Naturalization-paper marked "M" offered in evidence, and handed to the commissioner.)

his
JOHN + WALSH.
mark.

Sworn and subscribed to before me this 7th day of February, A. D. 1877
H. K. WESTON,
Notary Public.

Patrick Deane (sworn) recalled:

I lost my papers the night I was here before, two weeks ago. I am 30 years old I guess, more or less. I don't think I am 35. I couldn't tell how long I am in this country. I am 10 years in this country, and can't tell how much more than 10 years. I paid John Cochlin State and county tax in 1874. I don't know whether I voted on the day of election in 1874 on that receipt I got in 1874. I lost this Cochlin receipt. I paid no tax in 1875. I did not pay any State or county tax in 1876.

Cross-examined:

I don't know whether the war was going on when I came to this country. I heard talk of the late war, but don't know whether I was in the old country or this country.

his
PATRICK + DEANE.
mark.

Sworn and subscribed to before me this 7th day of February, A. D. 1877.
H. K. WESTON,
Notary Public.

BRYAN FARRELL sworn.

I live in the borough of Gilberton. I voted at the last election. I live in the middle ward, if there are three wards. I live east of the "Stanton Colliery." I live about 150 feet (I guess), more or less, from Frank McKeon's, northward. I voted in the middle ward.

(It is admitted that this is a legal voter.)

his
BRYAN + FARRELL.
mark.

Sworn and subscribed to before me this 7th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS KEATING sworn.

I live in the borough of Gilberton, in the middle ward. I voted at the last election. I live in the middle of the middle ward. I was born in 1853. I don't believe I paid a State or county tax in 1874. I got this (1875) receipt on the day it was dated.

(It is admitted that the 1875 taxes are paid. It is admitted that this is a legal voter.)

THOMAS KEATING.

Sworn and subscribed to before me this 7th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JEREMIAH CURRAN sworn.

I live in West Mahanoy Township; I voted at the last election; I paid a tax in 1874; I am about 44 or 45 years old; I came to this country in 1851; on the 1st day of October, 1851, I landed in New York.

Cross-examined:

I can't tell exactly whether I am 44; I may be a little more or less than 44 years; to the best of my opinion, I can't be less than 44 years old. I was over 18 years old when I came to the country. I was in the late war; I was a member of the 96th Regiment Penn'a Volunteers; I served from December, 1861, until the war was over; I was honorably discharged; Col. Wm. H. Lessig was the colonel of the regiment when I was discharged. When I got out my papers (naturalization) I thought they were right, and I think so still.

Redirect:

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. I voted the Democratic ticket.

Recross-examined:

To the best of my knowledge I obtained my papers on the 1st day of February, 1858, and at that time I swore I was 24 years old. To the best of my knowledge that was correct. I was then in the country between six and seven years.

his
JEREMIAH + CURRAN.
mark.

Sworn and subscribed to before me this 7th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL RYAN sworn.

I live in Gilberton borough; I voted at the last election; I live east of the "Stanton Colliery," and next to the school-house.

(It is admitted that this is a legal vote.)

his
MICHAEL + RYAN.
mark.

Sworn and subscribed to before me this 7th day of February, A. D. 1877.

H. K. WESTON, *Notary Public.*

THOMAS BRENNAN sworn.

I live in Gilberton borough; I voted at the last election; I live west of the "Stanton Colliery;" I voted in the middle ward at the last election; if the dividing line between the middle and west wards be the "Stanton Colliery," then I live in the west ward.

Cross-examined:

I heard them speak of a dispute as to the line between the west and middle wards; it was before the election I heard of it. I heard them say that we who lived in the row that I live, would vote in the middle ward. I suppose they must mean by this, that the dividing line is Bear Ridge Colliery No. 2. I live between the Bear Ridge No. 2, and the Stanton Collieries. I suppose if the dividing line is at Bear Ridge No. 2, then I would live in the middle ward. I think I live in the middle ward. There is a dispute, I hear them say, as to the line dividing the wards.

Redirect:

Question. For whom did you vote for Congress at the last election, November 7, 1876?

(Objected to.)

Answer. I voted the full Democratic ticket.

his
THOMAS + BRENNAN.
mark.

Sworn and subscribed to before me this 7th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

ANDREW O'BOYLE sworn.

I live in West Mahanoy Township; I voted at the last election; I was born in Ireland. As far as I can understand, I am between 27 and 28 years of age; I came to this country in 1863; I can't tell you how old I was when I came to this country.

(Tax-receipt produced dated September 30, 1874, for State and county tax for 1874; amount $0.75; John Cochlin, collector.)

I paid the 1874 taxes before the election in 1874; I did not pay any State or county tax in 1875; I paid *no* State or county tax in 1876.

Cross-examined:

(Witness produces tax-receipt dated October 5, 1876, for county, State, and building tax for 1876; $6.83; John Donnelly, collector.)

He sent it to me by a boy; I told him (Donnelly) to have the receipt for me; Donnelly said it was all right.

Redirect:

I did not pay him for it.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted the Democratic ticket; at least, that was my intention to.

his
ANDREW + O'BOYLE.
mark.

Sworn and subscribed to before me this 7th day of February, A. D. 1877.

H. K. WESTON, *Notary Public.*

Adjourned to 1.30 p. m.

1.30 P. M.

NEAL O'DONNELL sworn.

I live in West Mahanoy Township; I voted at the last election; I was born in Ireland; I might be about 27 or 28 years old; I am between seven and eight years in this country; I am naturalized; I have my papers; I was naturalized on the 28th of September, 1872; I might be between two and three years in the country when I got my papers; I never knew that I swore to my residing in the country 5 years before I got my naturalization-papers; I did not intend to swear that I came to the country under the age of 18; I never knew my exact age. From what I believe myself, I am between 27 and 28 years of age; I may be over it, but don't think I am under it.

Cross-examined:

To the best of my knowledge, the war was over when I came to this country. I cannot tell how long it was over. I came directly to this county when I came to the country. I don't believe I am any more than eight years in the country. I don't think I was five years in the country when I got out my papers. I understood these (referring to his naturalization-papers) papers to be right.

Redirect:

I paid no tax in 1874. I paid no tax in 1875. I did not pay a State or county tax in 1876.

Question. For whom did you vote for Congress at the last election, November 7, 1876?

(Objected to.)

Answer. I voted for Reilly, I think.

his
NEAL + O'DONNELL.
mark.

Sworn and subscribed to before me this 7th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

FEBRUARY 8, 1877, 9 a. m.

Peter Mootz sworn (recalled).

I live in West Mahanoy Township. I voted at the last election. I was 22 years old last July. I did not pay a State or county tax within two years prior to the last election.

Cross-examined:

I got a tax-receipt on the day of the election from John Donnelly. I did not pay for it. Donnelly was the collector. He did not say whether it was all right or not. He has not asked me for the money since. I am not obliged to pay for the receipt now that I have it. So far as I know it is paid, and therefore I am discharged from the payment of it. My father is in this country about 24 years. He was married before he came. He had one child in the old country before he came here; it died. My brother was born in this country. My sister was born in the old country. Both are older than me. I guess my father was in this country about a year when my brother was born. If my brother had lived till now he would be about 23 years of age. My brother was not two years older than me. He was nearly a year older than me, to the best of my opinion. My age is written down in a book at home—written in "The History of Christ." The book is at home in my father's

house. The tax-receipt is in the possession of the commissioner. My father is alive. His name is John Mootz.

Redirect:

Question. For whom did you vote for Congress at election of November 7, 1876?

(Objected to.)

Answer. I voted for Reilly.

his
PETER + MOOTZ.
mark.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON, *Notary Public.*

(Contestant offers notice marked Exhibit H[1].)

JOHN BURKE sworn.

I live in West Mahanoy Township. I voted in Blythe Township at the last election. I paid a State and county tax in 1874. I paid it to John Head. I paid cash for my tax-receipts; my wife paid it for me. I don't be at home when the tax-collector comes. I know of my own knowledge that my taxes were paid for 1874, 1875, and 1876. I moved from Silver Creek to West Mahanoy Township some time about 15th or 16th of last November.

(It is admitted that the witness is a legal voter.)

his
JOHN + BURKE.
mark.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON, *Notary Public.*

DANIEL SWENEY sworn.

I live in West Mahanoy Township. I voted at the last election. I paid a State and county tax in 1874, but I lost the receipt; but have receipts for 1872, 1873, and 1875. I am satisfied that my 1874 taxes (State and county) were paid, but I don't know the dates. I voted in 1875 on the tax-receipt of 1874. I had the 1874 State and county tax-receipt before the election of 1874. I did not pay a State or county tax of 1875 in the year 1875, but paid it in 1876.

(Tax-receipt produced dated September 19, 1876, $0.75 State and county tax for the year 1875, signed Thomas McGuire, collector. Receipt shown witness, and he says:)

That is the receipt that Thomas McGuire, collector, left at my house. Witness relates the details of leaving receipt: That he met McGuire on returning from work, and he (McGuire) told me he had just received my taxes from my wife. I have paid no State or county tax for 1876.

Cross-examined:

Thomas McGuire was the collector for West Mahanoy Township. I understood him as the collector. He had the duplicate along, presented it to me and proved my name.

Redirect:

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted the solid, sound Democratic ticket all through.

DANIEL SWENEY.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES MCDONOGH sworn.

I live in West Mahanoy Township. I voted at the last election. I paid a tax in 1874. I have not got the 1874 receipt. I don't know when I paid the tax in 1874, whether before or after the election. I never voted before the last election; that was the first time. I was born in Ireland. I have my naturalization-papers with me. I came to this country in 1864. I paid a tax in 1875 to Thomas McGuire. I have the receipt (which is produced), dated August 15, 1876, for State and county of 1875, amount $0.75, Thomas McGuire, collector. I got this receipt in August, 1876.

(Tax-receipt produced by witness, as above, shows different inks and different times.)

I paid a tax in 1876 for the year 1876. I paid it on the 22d of December, 1876. I can't say whether my 1874 tax was paid before the election of 1874.

Cross-examined:

I can swear positively that I paid the tax for 1875 in August, 1876, to Thomas McGuire, and I got my receipt the same day I paid for it. The receipt shows August 15, and that I believe correct. That was a holiday when I paid him (viz, August 15). It was Annunciation Day. McGuire was the collector after Deane was put in prison—at least he told me he was, and on that account I paid him.

Redirect:

I know of my own knowledge that the tax was paid for 1875, although I did not see them paid. I gained my knowledge of their payment by seeing the receipt in the house. I do know from another source that they were paid. It was my money that paid for the receipt; it was either mine or my childrens'. I know it was paid because I told them to pay it, and I afterwards found the receipt in my house. I know that the receipt was left at my house just as it is.

Recross-examined:

I leave instructions with my wife to pay all taxes and all such matters. I believe my wife has paid all my store bills for the past thirteen years—that is, with my money. I knew McGuire was collecting the taxes. He asked me for the taxes, and then I told my wife to pay him the taxes; and the next thing I knew was that the receipt was in my house, and it was in my house from the 15th of August, 1876; since then to now.

In chief:

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. I voted the Democratic ticket.

JAMES MCDONOGH.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

A. K. WESTON,
Notary Public.

GEORGE H. TOBIN sworn.

I live in the first ward, borough of Shenandoah. I voted at the last election. I am 23 years old. I did not pay any tax in 1874. I think my State or county tax for 1875 was paid. My father settled it with Mr. Newman. He had dealings with Mr. Newman, the collector, and they settled up the whole matter of my taxes in July last. I myself had dealings with Newman. I did not myself pay my tax personally. I did not pay a State or county tax in 1876.

Cross-examined:

I live with my father. I was born in the country. I work for my father. Henry J. Newman was state and county tax-collector in 1875. I knew I had to pay a tax in 1875. I have been informed that it was paid. Mr. Newman told me it was paid. He told me my taxes were paid. I did not ask him when they were paid. He told me my father paid them.

Redirect:

I lived in Shenandoah in 1875, all of the year. I lived in Shenandoah in 1874. I was hauling ice in Shenandoah during the year of 1875.

Question. For whom did you vote for Congress at election of November 7, 1876?

(Objected to.)

Answer. I voted the Democratic ticket.

GEORGE H. TOBIN.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

WILLIAM THORNTON sworn.

I live in Shenandoah, in the first ward. (Tax-receipts produced and papers, and found correct.)

his
WILLIAM + THORNTON.
mark.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK TOOLE sworn.

I live in Shenandoah, in the first ward. I voted at the last election. I am about 27 years of age. I paid a State and county tax for 1874; did not bring the receipt; it was before the election in 1874, when I paid it. I paid State and county tax in 1875, too. I don't know who was the collector. I am sure I paid it. I got the receipt for 1876 before the election. I got it on the day of its date, October 5, 1876. I paid eleven cents for it to John A. Reilly. I was born in this county.

Cross-examined:

I paid the taxes for 1874 and 1875, and for 1876.

PATRICK TOOLE.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN COCHLIN sworn.

I live in Shenandoah, first ward, since the 18th of July, 1875; before that I lived in East Mahanoy Township. I was a collector of State and county taxes in Mahanoy township in 1873 and 1874. Mahanoy Township at that time included among other places the present West Mahanoy Township. I can't tell you when the division was made. While I was tax-collector I was not in the habit of giving persons receipts until the taxes—all the taxes—were paid. I was not in the habit of giving tax-receipts to any person or persons from the instructions of others.

(Incumbent's counsel objects to the question and answer foregoing, on the ground that the collector was supposed to understand his business.)

When I made returns of "exonerations" to the county commissioners, I swore to these returns.

Question. Did you collect any State or county tax from persons whom the county commissioners exonerated from the payment of State and county tax at your request?

Answer. I did not, to my knowledge.

Cross-examined:

I swore to the commissioners, as to parties exonerated, as being those who had either left, were doubly assessed, or were too poor to pay. It was quite a usual thing to have parties doubly assessed upon my duplicate.

JOHN COCHLIN.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL MEEDHAM sworn.

I live in Shenandoah, third ward; I was born in Ireland; I voted at the last election; I am about 36 or 37 years old; I came to this country in 1864.

(No cross-examination.)

(Tax-receipts examined and found correct.)

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted for James B. Reilly, of course.

(Naturalization-papers, dated October 10, 1868, issued out of the court of common pleas of Schuylkill County, John Daley, witness, Thomas J. McJamant, prothonotary, known as minority papers.)

Cross-examined:

I came to this country in the fall of 1864; I was about 26 years old when I came to this country.

Redirect:

I went down to Pottsville myself to get my naturalization-papers. Mr. Colihan (John P.) was there. I suppose I was in the country four years when I got this naturalization-paper.

ML. NEEDHAM.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN TRACEY sworn.

I live in Shenandoah, first ward; I voted at the last election; I am between 34 and 35; I was born in Ireland; I am about twenty-four years in this country.

JOHN TRACEY.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK CAMPBELL sworn.

I live in Shenandoah, first ward; I voted at the last election; I was born in this country.

(It is admitted the witness is a legal voter.)

PATRICK CAMPBELL.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS CAVANAUGH sworn.

I live in Shenandoah, first ward; I voted at the last election; I was born in Canada; I am about twenty-seven years in this country; I am about 27 years old; I did not pay any State or county tax for 1874 or 1875. I paid for 1876. I did not pay any State or county tax before the election of 1876; I did not pay any State or county tax within two years preceding the election of November 7, 1876.

Question. For whom did you vote for Congress at election of November 7, 1876?

(Objected to.)

Answer. I voted for James B. Reilly.

Cross-examined:

I am sure I did not pay a State or county tax within two years before the last election; I did vote at the last election; I got this receipt (dated November 23, 1876) on the day of its date.

his
THOMAS + CAVANAUGH.
mark.

Sworn and subscribed to before me this 8th day of November, A. D. 1877.

H. K. WESTON,
Notary Public.

ANTHONY FLYNN sworn.

I live in Shenandoah, first ward; I voted at the last election; I have tax-receipts and naturalization-papers with me; I was born in Ireland; I suppose I am over forty years of age, anyhow; I am going on 20 years in this country; I now say that I am between 17 and 18 years in the country.

(Witness produces naturalization-paper issued out of the court of common pleas of Schuylkill County, dated October 8, 1866; witness, Patrick Morrison, and witness to Morrison, O. P. Bechtel; Joseph M. Feger, prothonotary.)

I cannot tell my age; I was twenty years of age, or over it, when I came to this country; I was married when I came to the country; I had a family, only one child.

Cross-examined:

I got out these papers ten years ago; I was over fifteen years in the country when I got out my papers, I am sure of that; I now say I can't tell exactly whether I was or not; I tell you as I told you before, I don't know what year it was when I came to the country; my first child was born in the old country; if my oldest boy had lived until now he might have been 23 as well as 18 years, so far as I can tell; he was quite young when I came to the country; I can't tell how long it was before the war; after landing at New York, I staid there about five years, but can't tell exactly; I was certainly over four years—well, I can't tell exactly. Then I moved to Minersville; I lived in Minersville about the same length of time; then I came to Shenandoah, and have lived here ever since; I guess I was ten years in the country before I came to Shenandoah; I came here first to work in Miller & Co.'s colliery; they were then shipping coal; I then worked inside as a laborer; Jacob Shuey was my inside boss at that time; Mr. J. O. Roads was one of the partners at that time; I was living in Shenandoah when I got my papers; I was living in Shenandoah two years when I got my papers; I can't say whether I was three years or not; I am thirteen years in Shenandoah; I believe it was correct; when I swore I was 28 years old when taking out my papers; can't exactly say how old I was; I suppose I told the truth when I took out my papers; I was not particular about my age; I did not know I had to swear to my age; I only lived in the two places, New York and Minersville, before I came to Shenandoah, and I lived between four and five years in each of these places before coming to Shenandoah, and I believe it is thirteen years since I came to Shenandoah; I can't exactly tell.

Redirect:

I don't know what is my age. Witness being referred to answer in examination-in-chief, as to having said, "I am over 40 years old, anyhow," now says, I don't know what is my age. I can't tell any man my age. I told you that from first to last. I swore to my papers. I did not swear to my age when I first got my papers. My witness told me how long I was in the country, and then he guessed at my age. (I could not tell it.) I cannot tell what age I was when I came to this country, whether I was over or under 18 or 20 years. I did not swear that I was under 18 years of age upon coming to this country. It's by guesswork my age was told. I did not know Patrick Morrison, my witness, in the old country. I first knew him around Minersville, and afterward in Shenandoah. I can't tell what age I was when I got married. I can't tell whether I was 20 years old when I got married. I can't tell whether I was full grown when I got married. I don't know whether I was a man or not when I got married; persons often get married between the age of a boy and a man.

Question. For whom did you vote for Congress at the election November 7, 1876?

(Objected to.)

Answer. I voted for Reilly and the whole Democratic ticket.

his
ANTHONY + FLYNN.
mark.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN O'TOOLE sworn.

I live in Shenandoah, 1st ward. I voted at the last election. I have my tax-receipts and papers. I paid my tax since the day I came to the country. My receipts are all lost. I lost them through a fire. I paid a State or county tax in 1874 to Anthony Devitt, I think. I also paid one in 1875. (Admitted a legal voter.)

his
JOHN + O'TOOLE.
mark.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN KELLEY sworn.

I live in Shenandoah, first ward. I voted at last election. I lived in New Castle Township for 25 years before coming to Shenandoah. I paid my taxes to Ephraim Phillips. I have not got my papers. I have been here (Shenandoah) since last May.

his
JOHN + KELLEY.
mark.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

FRANCIS CARR sworn.

I live in Shenandoah, first ward. I voted at the last election. I lived in Port Carbon before I came here. I came here last March. I have paid a tax regularly every year since I came to this country.

his
FRANCIS + CARR.
mark.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES KANE sworn.

I live in Shenandoah, in the first ward. I voted at the last election. I have not got my tax-receipts with me. I was looking for them this morning, but could not find them. I paid *all* my taxes in 1874, and before the election of 1874. I paid no State and county tax in 1875. I paid no State or county tax in 1876. I was born in Ireland. I think I was from 15 to 16 years of age when I came to this country.

Cross-examination:

I paid my State and county tax of 1874 before the election of 1874. I paid no State and county tax in 1875; no one came to me for it. I have not paid it yet. I have not paid the State and county tax for 1876. I can't tell when I paid the 1874 taxes. I think it was upon the 1874 tax-receipt (State and county) that I voted at the election in 1874. I am not positive.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted for James B. Reilly.

Recross-examination:

I had a difficulty with the tax-collector for 1876. The difficulty I refer to is, that I am overassessed.

JAMES KANE.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

James Kane recalled by counsel for incumbent for further cross-examination:

I more than once offered [my State and county taxes to the collector of State and county taxes for 1876, the amount based upon the assessment from which the borough and school taxes were taken. I have no property (no real estate). The taxes I pay are "individual tax." I am assessed as "laborer" in the borough and school-tax duplicates of 1876. I think I am assessed as "miner" in the State and county tax duplicate for 1876. So far as I understand, the assessment should, in my opinion, be equal, and that is my understanding of it. I am ready, and was willing, to pay my State and county tax, based upon the same as that of the borough and school taxes. The tax-collector refused to take the amount I thus offered him as "laborer." I think I did not pay any State or county tax within two years preceding the last election.

JAMES KANE.

Subscribed to, &c., before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

AUSTIN MCGRAIL sworn:

I live in first ward, borough of Shenandoah. I voted at the last election (November 7, 1876). I am between 23 and 24 years old. I paid no State or county taxes within two years preceding the last election (November 7, 1876). I was away part of the time. I was never asked for taxes.

Cross-examined:

I was awhile in Scranton, and part of the time in York State. I never paid any taxes in Scranton or York State. I left Shenandoah at the time of the "six months' suspension." I was born in Ireland. I came to this country in the beginning of 1871. I was going on 18 years of age when I came here. I am sure I paid no taxes but that of 1874.

Redirect:

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. It was my intention to vote the full Democratic ticket; but, as I can't read nor write, I can't swear to what I voted.

his
AUSTIN + MCGRAIL.
mark.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOSEPH WALSH sworn.

I live in the borough of Shenandoah, in the first ward. I voted at

the last election. I am 21 years and 4 months old; I gain this information from my mother. I voted on age.

JOSEPH WELSH.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

(Admitted to be a legal voter.)

PETER KOZAKEWICZ sworn.

Charles Rice (interpreter) sworn.

I live in borough of Shenandoah, in the first ward. I voted at the last election. I have paid taxes every year for the past four years about. I was born in Poland. I am 33 or 34 years of age; I am not sure. I came to this country in August, 1871. I have been voting on this paper.

(Witness produces declaration-papers, dated November 8, 1875, issued out of the court of common pleas of Schuylkill County; Hiram Meyer, prothonotary.)

Cross-examined:

I never had any other paper (meaning declaration-paper). I just voted on my tax-receipts.

Redirect:

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to.)

Answer. I voted on the side Tilden was running on.

his
PETER + KOZAKEWICZ.
mark.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JULIAN CZIEUSKI sworn.

I live in Shenandoah, first ward. I voted at the last election. I was born in Poland. I am over 32 years of age. I have been in this country eight years.

(Witness produces naturalization-paper, issued out of the court of common pleas of Schuylkill County, dated October 4, 1876; witness, Charles Boczkowskie; Thos. F. Kerns, prothonotary.)

I paid State and county tax for 1875 and 1876. I don't know what age I was when I came to this country; I suppose it is the difference between thirty-two and eight. I know I am 32, judging from my passport. I swore to preserve the Constitution of the United States when I took out my papers. I did not understand that I swore to my age when I took out the papers; nobody asked me there in the court.

Redirect:

Question. For whom did you vote for Congress, at the election November 7, 1876?

(Objected to.)

Answer. I voted the Democratic ticket.

his
JULIAN + CZIEUSKI.
mark.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

ALEXANDER CZIEUSKI sworn.

I live in Shenandoah, in the first ward. I voted at last election. I have my receipts. I was born in Poland. I am 31 years old. I am seven years in this country.

(Naturalization-paper produced by witness, issued out of the court of common pleas of Schuylkill County, October 4, 1876, witness same as the last, and is known as a "minor paper.")

Cross-examined:

I am a brother of Julia Czieuski; a younger brother. I am two years younger than my brother Julian. I came to this country a year later than my brother Julian.

Question. For whom did you vote for Congress at the last election, November 7, 1876?

(Objected to.)

Answer. I voted the Democratic ticket.

his
ALEXANDER + CZIEUSKI.
mark.

Sworn to and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

DOMINICK SZYMANSKI sworn.

I live in first ward of the borough of Shenandoah. I voted at the last election. I am 22 years old, since last August. I paid my State and county tax for last year, but have no receipt. I got my receipt from a Polander. I have paid money for taxes. I now say that I did not pay any State and county tax for 1876. I paid a State and county tax for 1875, in Gilberton. It was kept out at the office where I worked. I am four years in this country; I am not more than four years in this country. I was born in Poland.

(Witness produces naturalization-papers issued out of the court of common pleas of Schuylkill County, dated October 4, 1876; witness same as the others; Thomas F. Kerns, prothonotary.)

I have heard that a person must be five years in the country before taking out his papers; but there was nothing said to me about it at the court-house; they only asked me if I came here under age. I was about 18 years old when I came to this country; I was not over 18 years of age when I came to this country.

Cross-examined:

I was between 17 and 18 years old when I came to this country. I left the old country in 1871. I came directly to this country. I landed in New York. I immediately left New York for Shenandoah. At the court-house they only asked me whether I came under age, and I said that I did.

Redirect:

I do not know the year in which I was born. It was in the month of August when I came to this country. I am sure it was in 1871 that I came to this country. I am not more than four years in this country; I know it because I have counted the years, how long I have lived here, and I have counted them four years.

Question. For whom did you vote for Congress at the last election, November 7, 1876?

(Objected to.)

Answer. I don't know which ticket I voted.

Recross-examined:

I think I came to this country in 1871; I am not sure. I am not sure if I am four years in this country. It was in the fall I came to this country. I have known Charles Boczkowski for two years (his witness). I don't know how long he knows me. If I came to the country in August, 1871, I would be in this country at last election (upon reflection), I would be more—I don't know how much more—I would not, I think, be five years if I came in August, 1871. I am not sure which year I landed in New York. The first place I worked in this country was Westfield, New Jersey.

I worked there one month and one week. Then I came to Shenandoah and remained three months; then I went to Nanticoke and staid there four months; from there I went to Gilberton and staid there about one year. Can't tell whether it was more or less than one year. Then I went to New York, and then to a farm at Hackensack and staid there three months. Only staid three or four days in New York City before going to Hackensack. From there I came back to Gilberton, staid there five days, and then came to Shenandoah and remained there since. It was in the summer-time when I came to Shenandoah this last time, and in about the middle of the summer; some time after the 4th of July; don't exactly know how long. I was in Hackensack on the 4th of July. It might be one or two months before the 4th of July that I went to Hackensack. I don't know in what year it was when I last came to Shenandoah. It is nearly two years since I last came to Shenandoah. I worked in the mines at the time of coming. I worked first in the Kohinoor Colliery (Heckscher & Co.). I next worked at the West Shenandoah Colliery. I next went to Plank-Ridge Colliery, and then to Indian Ridge Colliery. I am working there now, and have been for three or four months. I can't state positively what the year was that I came to this country, but I was, I think, between 17 and 18 years old when I came.

In chief:

Then, according to my testimony, I am not in this country more than four years.

Re-recross-examined:

I don't know whether I am more than four or five years in the country. I am not five years in the country.

In chief:

Perhaps I may have been more or less in the places that I have mentioned, and which foots up the sum of three years and eight months. I can't be no more than four years in the country.

his
DOMINICK + SZYMANSKI.
mark.

Sworn and subscribed to before me this 8th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to February 9, 1877, at 8.30 a. m.

FEBRUARY 9, 1877, 8.30 a. m.

ANTHONY BURKE sworn.

I live in 1st ward, borough of Shenandoah. I voted at the last election. I have not got my naturalization-papers; they were burned with all my goods. I was born in Ireland. I came to this country thirty-three years ago next April. I am going on sixty years of age. I got two papers, the first and second; Lawyer Geer, of Minersville, got them for me in the year 1853. I paid Anthony Devitt for my taxes.

(It is admitted that witness is a legal voter.)

his
ANTHONY + BURKE.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK WARD sworn.

I live in Shenandoah, 1st ward. I voted at the last election. I have lost my papers and all my tax-receipts except this one (State and county tax-receipt, $0.83, from John A. Reilly, dated October 5, 1876). I was born in Ireland. I will be 38 years old next March. I came to this country eight years ago. I have my naturalization-papers pretty nearly two years and six months. I got full papers, known as minority-papers. I got them in Mercer County.

Cross-examined:

Mercer is the county-seat of Mercer County. There is a court-house there; I got them there. Charles Myers, my boss, went with me; he was my witness. I was only once in the court-house; I am sure of that. I did not go to the court-house until I had worked five years and two months with this man; then I got my papers. I only got one paper. I have lost them. To be sure I thought when getting out my papers that they were correct. I thought I was only to remain five years in the country to be entitled to them in full. My boss swore that I had worked five years and two months for him.

Redirect:

Question. For whom did you vote for Congress at the last election, November 7, 1876?

(Objected to.)

Answer. I voted for James B. Reilly.

his
PATRICK + WARD.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL CONNOLLY sworn.

I live in first ward, borough of Shenandoah. I voted at the last election. I was born in Ireland. I believe I am 54 years of age. I came to this country 28 years ago. I remained eight years and then went back. I staid there five years, and then came here again, and have remained here ever since. (Naturalization-paper offered in evidence, issued out of the court of common pleas of Schuylkill County,

September 21, 1868, Jere Cummings, witness, and signed Thomas J. McCamant, prothonotary.) My witness Cummings lived here in Loss Creek. He is now dead. No one asked me to go to Pottsville to get this paper out. I was about 18 or 20 years old when I came to the country first. I believe I am 54 years of age. I can't go any nearer than that.

Cross-examined:

I got out these papers ten years ago. I swore, of course, to my age when I took out my papers. When I took out my papers I swore to the truth. It was correct when I swore to being 34 years old, when taking out my papers. I was mistaken when I said I was 54 years old. I meant 44 years of age. I am near 54 years anyhow. I said and swore ten years ago that I was 34 years old, and that was correct. I don't know how much 34 and 10 are. I guess I was 34 years old when I got out my papers. I guess I was not more than 34 years old when I got out my papers.

I have just counted coins. I have added 10 coins to 34 coins and found that the total was 44. If I was 34 years old when I took out my papers, and they were taken out 10 years ago, I would now be 44 years old. I am 54 years. I know it because I am old enough to be it anyhow. I came to this country the first year the potatoes failed in Ireland; that is in 1845. I am sure that is the year, be other things as they may. I am sure of that. I was about 18 years old when I left Ireland the first time. I guess I was not more than 18 years old when I first came. I came in March, 1845, to this country. I guess I was not more than 18 years old when I came to this country. I guess I cannot be anything more than 44 years of age, and so far as I know I am now 54. I was not more than 18 years old when I came to this country. I don't know whether I was or not, whether I was over it or under it. I am sure that the year I left Ireland to come to this country was the first year of the potato-rot; that was in 1845.

I am 40 years and 14 years, that is 54 years. I was 18 years old when I came to this country. I am sure of that. I am now sure that I came to this country (first time) the first year of the potato-rot, and either in March or April. I was nearly eight years in the country before I went back. I went back on a visit. Got married there. I am sure I was 18 years old when I came to the country first. I can't go any nearer than that, and you must take it for what it's worth.

Redirect:

Question. For whom did you vote for Congress at the last election, November 7, 1876?

(Objected to.)

Answer. I don't know who I voted for.

his
MICHAEL + CONNOLLY.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877. H. K. WESTON, *Notary Public.*

PATRICK STACK sworn.

I live in Shenandoah, in the first ward. I voted at the last election. (Tax-receipts and papers examined and found correct. Admitted a legal voter.)

his
PATRICK + STACK.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JERE CONOHAN sworn.

I live in Shenandoah, 1st ward. I voted at the last election. I have paid all taxes up to the last election.

Cross-examined:

I have paid all my taxes up to last year.

his
JERE + CONOHAN.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

WILLIAM KELLEY sworn.

I lived in the first ward, Shenandoah, at the last election.
(Papers and taxes examined and found correct.)

his
WILLIAM + KELLEY.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON.
Notary Public.

JOHN O'HERN sworn.

I live in Shenandoah, 4th ward. I voted at the last election. I will be twelve months here next March. To the best of my opinion I am in this country between 27 and 28 years. I am up to 60 years of age, going on 60. I have mislaid my papers; they are in the house somewhere. I got two papers. I did not vote on the first; a man cannot do that. I lived five years in this country between getting my first and last papers.

(Admitted a legal voter.)

his
JOHN + O'HERN.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS CASEY sworn.

I live in fourth ward, Shenandoah. I voted at the last election. Next 4th of May I will have been thirty years in this country. I am bordering on sixty years of age.

(Papers and receipts examined and found correct. Admitted a legal voter.)

his
THOMAS + CASEY.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL CONNORS sworn.

I live in Shenandoah, first ward. I voted at the last election. I am about twenty-three years old. I did not vote in 1874, and did not pay a State or county tax in 1874. I did not pay a State or county tax in 1875. I paid no State and county tax within two years preceding the last election. I paid my tax for 1876 on November 15, 1876, to J. A. Reilly. Have the receipt and produce it. I cannot exactly tell the year in which I was born. I am about twenty-three years old, to the best of my opinion.

Cross-examination:

I voted in 1875 on age, but not in November, 1876. I was not challenged at the last election. Nobody came after me for my tax. I did not pay my State and county tax (for 1876) before the last election.

Question. For whom did you vote for Congress at the last election, November 7, 1876?

(Objected to.)

Answer. I voted for James B. Reilly.

his
MICHAEL + CONNORS.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN FITZGERALD sworn.

I live in Shenandoah, in the fourth ward. I voted at the last election. I was born in Ireland. I can't exactly tell my age, but I believe I am about thirty anyhow. I came to this country between the years 1861 and 1862. I paid a State and county tax for 1874 and 1875, but I have lost the receipts in moving. I paid the 1875 taxes to John Cochlin.

his
JOHN + FITZGERALD.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON, *Notary Public.*

JOHN WILLCOM sworn.

I live in Shenandoah, fourth ward. I voted at the last election. I was born in Germany. I have my papers and tax-receipts, which are found correct.

(Admitted a legal voter.)

JOHN WILLCOM.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

CHARLES ZUNCS sworn.

I live in Shenandoah. I did not vote at the last election.

his
CHARLES + ZUNCS.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON, *Notary Public.*

THOMAS NEEDHAM sworn.

I live in Shenandoah; fifth ward. I did not vote at the last election.

his
THOMAS + NEEDHAM.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.
H. K. WESTON,
Notary Public.

JAMES DOWDY sworn.

I live in Shenandoah; fourth ward. I voted at the last election. I have my tax-receipts, which were examined and found correct. I was born in Ireland. I am in this country nearly 40 years. I am pretty nearly 60 years. I have my naturalization-papers with me.

(Admitted a legal voter.)

his
JAMES + DOWDY.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.
H. K. WESTON,
Notary Public.

PATRICK GAFFIGAN sworn.

I live in Shenandoah; fourth ward. I voted at the last election. I am about 24 years of age. I did not pay a State or county tax in 1874. I paid State and county tax for 1875 and 1876; my 1875 receipt I got from one of the Neumans. I paid Reilly for the 1876 tax long before the election. I am over 18 years in this country.

his
PATRICK + GAFFIGAN.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.
H. K. WESTON,
Notary Public.

PATRICK GIBBONS sworn.

I live in Shenandoah, in the fourth ward. I did not vote at the last election. There was a Patrick Gibbons who used to come to our house, but he went to Philadelphia.

PATRICK GIBBONS.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.
H. K. WESTON,
Notary Public.

PATRICK MCATEE sworn.

I live in the first ward of Shenandoah. I voted at the last election. I am, I guess, about 25 years old. I was born in this country.

his
PATRICK + MCATEE.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.
H. K. WESTON,
Notary Public.

JAMES MULLEN sworn.

I live in Shenandoah; first ward. I voted at the last election. I have tax-receipts; have lost my papers; my house was burned down over a year ago. I took out two papers.

his
JAMES + MULLEN.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.
H. K. WESTON,
Notary Public.

MICHAEL CANTLIN sworn.

I live in Shenandoah; first ward. I voted at the last election. I did not pay a State or county tax since the one I paid dated January 23, 1874.

Cross-examined:

(Tax-receipt dated January 23, 1874, for county and borough tax for 1874, amount, $1.50, Anthony Devitt, collector, produced.) I think that is the only State and county tax I have paid, but I am not sure, because I had great trouble looking for them. It may be that I paid a State and county tax since 1874. I can't say whether I did or not.

Redirect:

I did not pay a tax to John A. Reilly.

(It is admitted that Reilly is the State and county tax-collector for 1876.)

I don't think I paid a State and county tax to H. J. Neuman. I don't think I did.

(It is admitted that H. J. Neuman was the State and county tax-collector for 1875.)

Question. For whom did you vote for Congress at the last election, November 7, 1876?

(Objected to.)

Answer. I voted the Democratic ticket.

his
MICHAEL + CANTLIN.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK HENDRICKS sworn.

I live in Shenandoah, in the first ward. I voted at the last election. I have tax-receipts and papers and found correct.

(Admitted a legal voter.)

his
PATRICK + HENDRICKS.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PETER QUIRK sworn.

I live in Shenandoah; first ward. I voted at the last election. I paid a State and county tax in 1874 for 1874. I did not pay a State and county tax in 1875. I paid tax for 1876. I can't say how long before the election. It may be two or three or four weeks before the election; I am not sure. I cannot say how long before the election. I got Reilly's receipt on the day it is dated. I saw him write it. It is dated October 2d, 1876. I don't think that was the day I paid it; can't say how long it was after the 2d when I paid it; would not like to say it was a week after its date. I know he wrote it out the day I paid it. I know it was after this date, October 2, that I paid him. I can't tell whether it was about the time of the October pay that I paid him. The collectors generally come to my house. I went to him to pay him this tax. I have no reason to suppose that I paid it after its date. I suppose the reason was that he did not come to my house, but I went to his store to pay him. I can't tell the day of the week it was. I can't tell what day. I don't know what Mr. Reilly's object was in dating the receipt back.

(Objected to by incumbent's counsel on the ground that witness is not supposed to know what Mr. Reilly's intention was.)

When I paid him he dated it back. If he had not dated it back I don't think it would have been 30 days before the election of November 7, 1876.

Cross-examined:

(Witness produces tax-receipt dated October 2, 1876, for State and county tax, amount 83 cents, for 1876, John A. Reilly, collector.)

I paid Reilly for this receipt before the election; don't know how many days before the election; I don't think it was paid on the day it is dated, but it was certainly before the election.

Redirect:

I did not pay a State or county tax since I paid in 1874 until the time that I paid this (1876) tax to Mr. Reilly. I believe, to the best of my opinion, that my tax was not paid 30 days before the last election, November 7, 1876.

Recross-examined:

I am sure that I paid my tax of 1874 before the election of 1874. I don't remember what month the election was in in 1874; I can't say whether it was in winter or fall. The first time I voted was in 1874. I was born in this country; I was over 21 when I voted in 1874. I don't know whether I could have voted "on age" in 1874. I paid my tax and voted; I voted upon my tax; I don't know when I paid my tax; I paid it to Anthony Devitt.

In chief:

I am positive that I voted on the tax-receipt of 1874 at the election of 1874.

Question. For whom did you vote for Congress at the last election (November 7, 1876)?

(Objected to.)

Answer. To the best of my opinion I voted the full Democratic ticket, and that's what I will do.

his
PETER + QUIRK.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK STANTON sworn.

I live in Shenandoah, in the first ward. I voted at the last election. I have my papers and tax-receipts (which were then produced).

(Admitted a legal voter).

his
PATRICK + STANTON.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

CHARLES C. BOCZKWSKI sworn.

I lived in first ward, borough of Shenandoah. I voted at the last election. I think I am now 26 years old. I came to this country in 1868, in the mouth of January or February. I paid a tax (State and county) in 1874, but I have not got the receipt.

I was witness for the two brothers Julian and Alexander Czienski, when they got their naturalization-papers. At that time I did not swear that they came to the country under 18 years of age; I only swore that I knew them to be five years in the country.

(Oath in naturalization-papers of parties above named, and he says he did not know that he swore to that; did not understand it was that.)

I can neither read nor write English, but I can write my name only in English. I understand a little English. I think the paper was read for them and me, but I did not understand what they contained. I was also witness for Dominick Szymanski; he was there for his papers at the same time. I only swore to having known him for five years, the same exactly as in the others (named above). I took out citizen-papers myself.

Cross-examined:

I saw Dominick Szymanski in New York City when he landed. I think that was in the year 1871; I don't remember what month; I know it was in the summer time; I was at that time living in New York. I am sure that he was five years in the country last summer; I paid his and two others' fare on the ferry across to Brooklyn, and that's how I know. I am sure it was he, and I am positive that was 1871, in the summer. I state again that I am positive that Dominick Szymanski came to this country in 1871, in August—the summer time, anyhow. I lived in New York in 1871. I worked in a cigar factory. I don't know how long it is since I left New York City.

Redirect:

I did not live in New York City in 1872; don't think I did; was several times in the city in 1872. I think I lived in Shamokin in 1872; I am sure I lived in Shamokin in 1872. I don't remember what time in 1872 I left New York. I don't think I lived in New York City in 1872. I lived in New York City in 1871. I landed in New York City, and I staid there two or three weeks; I was in New York State. I went from New York City to a place called Oyster Bay; I don't know how long I staid there; I was not there a year; I know I was six months at Oyster Bay; may be I was there eight months; then I went peddling in New York State, for a little over a year, I think; about fourteen months, I think.

Then I went to New York City and staid there a little over a year; don't know whether I was fifteen or sixteen months there, and then I went to Shamokin. That was in the fall of 1871, before Christmas. I lived in Shamokin about one year, then I went to Mount Carmel. I staid in Mount Carmel about eight months, but not a year, then I went to Shamokin again, and I was over a year—about fourteen months—around Shamokin (the second time); then I went to Gilberton and staid there about a year or thirteen months; then I went to Shamokin again, and kept store there for about seven months. From there I then went to Shenandoah, and remained there about nine months; I then went to Hazleton and remained there four or five months, and then I went to Philadelphia, and I staid there from May 6 to August, about three months, and came then to Shenandoah, and have lived in Shenandoah the six months since then to now. When I used to be out of work while in New York City, I used to go to Castle Garden to see my countrymen coming in, and that's what fixes it on my mind that I met Dominick Szymanski there in 1871, and I saw him there, and paid his fare across the river to Brooklyn or Hoboken. By being idle, I mean a half a day or so that I was out of work.

Recross-examined:

I am positively certain that it was in August, or in the summer of 1871, that I first saw Dominick Szymanski; I swear positively that is so.

CHAS. C. BOCZKOWSKI.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL DEANE sworn.

I live in West Mahanoy Township. I voted at the last election. I was born in Ireland. John Deane gave me my naturalization-papers. (Certified copy of naturalization-paper produced, dated September 23, 1872.) I never was to Pottsville to swear to this paper or any other naturalization-paper.

Cross-examined:

Have been to Pottsville two or three times. I don't know where the court-house is; I never was in it. I never was in jail. I voted before the last time; I think I voted in 1875. I don't know who was running in 1875.

Redirect:

Question. For whom did you vote for Congress at the election held November 7, 1876?

(Objected to.)

Answer. I intended to vote the Democratic ticket, but I can't swear that I did because I can't read nor write. You can see on the paper the date when Jack Deane gave it to me. He gave it to me in his own house. He told me they were in the house there and that I was to go for them. I never bothered as to whether he had more of them. I only got my own. He had different papers there, but I don't know what kind they were.

Q. Did you see John Deane gave John Walsh, of Connor's Patch, a naturalization-paper on the day you got yours?

(Incumbent's counsel objects on the ground that it was not proven by John Walsh when a witness on the stand in this inquiry, but, on the other hand, totally denied by him (said Walsh) that he ever at any time obtained a naturalization-paper or papers from Deane, and that if he (said Walsh) had obtained them from said Deane, counsel for petitioner failed to establish any time or times when such papers were given by said Deane to said Walsh, and that the present question is totally irrelevant and immaterial to the present inquiry. Question withdrawn.)

I don't know whether the paper produced is my own, but I thought it was my own, since I got it.

(Naturalization-paper marked "O" offered in evidence.)

his
MICHAEL + DEANE.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

And now, February 9, 1877, at 1.30 o'clock p. m., the taking of testimony at this place closed.

H. K. WESTON,
Notary Public.

In the matter of the contested election in the thirteenth congressional district of Pennsylvania for a seat to represent said district in the House of Representatives of the United States in the Forty-fifth Congress.

And now, Pottsville, February 9, 1877, at 7 o'clock p. m., John P. Hobart, esq., a register in bankruptcy of the eastern district of Pennsylvania, within said congressional district, and taking testimony at this place in pursuance of legal notice, proof of which are attached to the testimony taken by him, having withdrawn from further acting to take testimony, the taking of depositions of witnesses resumed before Hiram K. Weston, a notary public in and for the county of Schuylkill, Pennsylvania, within said district, at the public house of the said Samuel Garrett, at Pottsville aforesaid.

Hiram K. Weston continues the appointment of B. F. Crawshaw as clerk to write or transcribe the testimony in the above matter.

Parties present: William R. Smith and Edward M. Monaghan, esqrs., of counsel for contestant, and A. W. Schalck and John J. Clarke, esqrs., of counsel for incumbent.

JAMES O'BRIEN sworn.

I live in Blythe Township; and voted at the last election. I think I paid a tax in 1874; my wife generally pays my taxes for me. I don't know whether I paid my tax before or after the election of 1874. I guess I voted on that receipt of 1874; I may have voted on the one before it. I have a tax-receipt for and 1875. My wife got my receipt of 1875. I had the receipts of 1875 and 1876 at the last election. I think I lost the receipt for 1875. I got the tax-receipt for 1876 from Bernard Donnelly. I have told you my wife paid for the tax of 1875. I believe the tax for 1875 was paid, or the collector would have come and claimed it. I cannot tell what time of the year the tax for 1875 was paid. I got the 1876 receipt in my own house. The tax-collector left it there. I was not there when he left it. I got it in my own house from one of my girls. My girl got the receipt in the house, to be sure. It was left in the house before the election, I don't know how long it was before the election that it was left at my house; I can't tell whether it was ten days before the election.

Cross-examined:

I am sure I paid my State and county tax in 1874. My wife told me she paid the State and county tax in 1875. I have the receipt for the State or county taxes of 1875. I have a State and county tax-receipt for 1876. I have a tax-receipt for 1874 at home. I do not remember when in 1874 the tax for 1874 was paid. I didn't pay the tax for 1873, but my wife did, I think. I voted at the election of 1874. I can't tell whether I voted in 1874 on the receipt of 1873 or 1874. My wife generally pays my taxes. I am at work during the day and the tax-collector comes and gets the taxes from my wife.

(Witness produces tax-receipt dated October 7, 1876, for county and building tax for 1876; amount 94 cents. Bernard O'Donnell, collector. O'Donnell was the collector for Blythe Township last year.)

I had this receipt before the election of 1876. When I got this receipt I considered the taxes were paid. I still now think the taxes are paid, and I consider myself releaved from the payment of this tax. I believe I will never be called upon any more to pay this tax again.

Redirect:

I am between 56 and 58 years of age; I landed in 1844 or 1845.

Question. For whom did you vote for Congress at the last election? (Objected to.)
Answer. I voted the ticket James B. Reilly was upon.

his
JAMES + O'BRIEN.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES COYLE sworn.

I live in Blythe Township; I voted at the last election; I did not pay any State or county tax within two years before the last election, November 7, 1876.

Cross-examined:

I am 22; was 22 on January 26, 1877.

Redirect:

From my mother I gained the knowledge of my age; I never voted before the last election.

his
JAMES + COYLE.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

TIMOTHY O'HAREN sworn.

I live in Blythe Township; I voted at the last election; I was 25 years old last September; I paid a State or county tax within two years preceding the last election; I had the receipts; I think it was January 15, 1875, that I paid that tax; the receipt is in the possession of Commissioner Graeff, at Tamaqua; I sent the money with my brother-in-law to pay my taxes of 1875, and I afterward saw my taxes marked "paid" in the duplicate.

Cross-examined:

I did pay my State or county tax within two years.

TIMOTHY O'HAREN.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK CANFIELD sworn.

I live in Blythe Township; I voted at the last election; I did not pay a State or county tax within two years before the last election; I am somewhere about 29 or 30 years of age; I did not pay it, nor did any body else that I know of pay it for me.

Cross-examined:

I have tax-receipt only for 1876, and I have it with me; this is the receipt.

(Witness produces tax-receipt dated October 7, 1876, for county and building-tax for 1876; amount, $1.65. Bernard O'Donnell, collector.)

Bernard O'Donnell is the collector for Blythe Township; I know that this is a receipt for my taxes for 1876; then, as far as I know, my taxes for 1876 have been paid; I expect this receipt discharges me from the payment of that tax.

Redirect:

I got this receipt on the morning of the last election; I did not pay O'Donnell for it; to the best of my opinion my tax was paid; it was paid for; I did not see it paid for.

Question. For whom did you vote for Congress at the last election?

(Objected to, and also that the illegality of the voter has not been proven.)

Answer. I voted for James B. Reilly.

Re-recross-examined:

The taxes must have been paid else I could not have got the receipt. O'Donnell did not ever demand the taxes from me since I have the receipt; I can read and write a little; I saw my ticket and read it; I am sure I saw James B. Reilly's name on it.

PATRICK CANFIELD.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK MCGEE sworn.

I live in Blythe Township, and voted at the last election. I did not pay a State or county tax within two years before the last election, November 7, 1876; I am about 32 years old.

Cross-examined:

I have tax receipts with me for the years 1875 and 1876.

(Witness produces receipt dated September 18, 1875, for county tax for 1875, $1.50; John Head, collector.)

This is my receipt.

(Witness produces receipt dated December 15, 1876, for county tax for 1876, $1.65; Bernard O'Donnell, collector.)

I did not myself pay the tax for 1875; I don't know who paid it for me; I don't remember how long I have this receipt; I certainly have it considerably over a year; since I got it the tax for 1875 has not been demanded of me.

Redirect:

I paid for the 1876 receipt; I paid for no receipt before the last election, November 7, 1876; I do not know that any one paid for these receipts for me.

Question. For whom did you vote for Congress at the election of November 7, 1876?

(Objected to, and illegality not being proven.)

Answer. I don't know, sir; I couldn't tell whether I voted the Democratic or Republican ticket.

Q. Do you know for whom you intended voting for Congress at the election of November 7, 1876? State it.

(Objected to, because the witness's intentions are immaterial and irrelevant, the only question being for whom he actually did vote, if for anybody.)

A. James B. Reilly; my wife paid the tax for 1876 after the election of 1876.

Recross-examined:

I cannot exactly tell whether I carried out my intention to vote for James B. Reilly; I cannot now swear whether the ticket which I voted

had Reilly's or Nutting's name on it for Congress; I did not read the ticket.

his
PATRICK + McGEE.
mark.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

WILLIAM CURRY sworn.

I live in Blythe Township; I voted at the last election; I have paid a State or county tax within two years before the last election, November 7, 1876; I did not pay this tax myself; I did not myself pay a State or county tax within two years before the last election; I was born in Ireland; I don't exactly know my age; I must be going up to fifty; I am going well up to thirty years in this country; I do not know the year I came to this country; I think I came to this country in 1848 or thereabouts; I can't say how near I am to fifty years of age; I couldn't say whether I am between forty-nine and fifty years of age; I can't tell how old I was when I came to this country; I didn't examine the papers; I believe I was not twenty years old when I came to this country, neither was I nineteen years of age; I believe I was not eighteen years of age when I came to this country; I believe I might be close on to seventeen years of age when I came to this country; my witness's name was Thomas Ross; going up to fifty is the nearest I can tell about my age.

Cross-examined:

The paper I produce here is my citizen-paper.

(Witness produces paper issued out of the court of common pleas of Schuylkill County March 7, 1859; witness, Thomas Ross; Daniel H. Shrener, prothonotary, which was sworn to on that day, and the affidavit of witness's age stating it to be twenty-eight years.)

That's the only papers I got; I got my full papers at once, because I came under age; these are my tax-receipts.

(Witness produces tax-receipt dated November 17, 1875, for county and school tax for 1875; amount, $4 54; John Head, collector; also, one dated December 18, 1876, for county and building tax for 1876; amount, $1.76; Bernard O'Donnell, collector.)

For the last eight years my wife has paid my taxes every year; this tax for 1875 my wife paid also; every year for the last eight my wife pays my tax for me and gets the receipt; I have had this 1875 receipt in my possession considerably over a year; the taxes of 1875 were not asked of me again; I own no property, but I always pay the three taxes—State, county, and school.

Redirect:

Question. Do you know of your own knowledge that any taxes have been paid by you within two years before the last election?—Answer. I don't know it my own knowledge.

Q. For whom did you vote for Congress at the last election?

(Objected to.)

A. I voted for James B. Reilly.

Recross-examined:

I opened and read the ticket which I voted; I remember that James B. Reilly's name was on for Congress; I don't know whether my taxes were paid of my own knowledge, because I did not personally pay the taxes; I left the paying of my taxes to my wife; she pays all my bills;

and for the last eight years I have had only my wife's word for it that my taxes were paid; I also had my tax-receipts every year; at no time was I ever troubled the second time for the payment of the taxes, that is, after my wife had paid them and I had the receipt; I am a working-man, away all day, and leave all such matters to my wife.

WM. CURRY.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MORRIS RYAN sworn.

I live in East Manheim Township. I voted at that poll. I am an American-born citizen. I was an inspector at the last election (November 7, 1876). I partly had charge of some tax-receipts on the day of the last election. I was asked if I wouldn't bring some tax-receipts that were left at the Democratic headquarters, in case a certain man wouldn't be there before the election. I called at the Democratic headquarters; I asked for and got the tax-receipts, and held them a part of the forenoon of the election-day and gave them to those who came to vote—a part of the forenoon. I then gave the rest of them to the judge of the election. James Langdon was the judge of the election. Whenever any person came to the window in whose name there was a receipt made out he gave it to him if asked. There was no certificate. The certain man I have referred to and who asked me was Patrick Phillips; he lives in East Manheim, the same district that I do. I came to Pottsville and got those receipts the night before the last election. I believe there were 14 or 15 receipts that I got; I got them from Mr. J. Clarke, and asked him for them, and told him that Mr. Phillips told me to get them. I got them from Mr. Clarke in the Democratic committee-room, in the Esterly building. I believe Mr. Clarke was secretary, or acting as such, of the committee.

These receipts were, I think, for county and building taxes; I know they were for county; I don't know about the other. They were signed by Sterner, the collector of taxes; that is, Sterner's signature was on them. I knew Sterner's signature by my own receipt. Those receipts were not all given out that day. I could not say how many were not given out that day, but I know four or five that were not there—the men being away boating or railroading. I believe the names were Francis Phillips, James Phillips, Michael Donnelly, James Nugent. These are the names of parties that I believe were not there. There may have been more, but I do not remember.

I don't know what became of the receipts for the parties that were not there. I gave them to the judge of election. He asked me for them, and I don't know what became of them afterwards. The names of the persons to whom I gave receipts are John Hughes, Patrick Hughes, I believe, John Carney, I believe. I can't recollect any more that I gave to. I don't recollect who the persons were that the judge of election gave them to. Every one that came to vote was challenged by Mr. Bell. Then the judge said, "Give me them tax-receipts; it will save you the bother of taking them out of your pocket and putting them back again." I had them in my pocket, and when they were asked, I pulled out the receipts and examined them, and, if their name was among them, I gave them their receipt and put the others back into my pocket. Mr. Bell challenged almost every citizen who came there, especially Democratic citizens who came there to vote; and when they had no tax-receipts, and if I or the judge had a receipt with their name on, we gave it to them.

If a voter came to the poll and was challenged for tax-receipt, I would give it to him if I had it, while I held possession of the receipts. If a Republican was challenged, most undoubtedly I did not give him a receipt; but if I held possession of a Republican's tax-receipt and he was challenged for that said receipt, I would have given it to him. But I did not have any Republican receipts. I suppose the judge of election was a Democrat, but I would not swear to it. The reason why, I never saw his ticket; but he is recognized as a Democrat.

Cross-examined:

The receipts I got from the Democratic headquarters were all filled up; the names of the parties was written on them. I was with Mr. Phillips when he deposited them tickets in the Democratic headquarters. That was a month before the election of November 7, 1876. As far as I understood from Mr. Phillips, he paid for these tax-receipts on October 7, 1876, and brought them to the chairman of the Democratic standing committee to show that they were paid; and at that time the receipts were all filled out and the names of the parties inserted.

(Objected to.)

Mr. Bell's name is Henry A. Bell, I think. He challenged most all the Democratic voters who came there, unless it was some old gray-headed man. He did not, that I know of, challenge any Republican voters. He continued to challenge until about two or three o'clock. He takes a strong interest in the Republican politics. I did not examine the tickets that were voted by the parties to whom I gave receipts. I did not examine any ticket for any man on that day.

Redirect:

The first time I ever saw those receipts was Mr. Phillips giving them to Mr. Schalck, and Mr. Schalck looking over them. The first place I met Mr. Phillips that evening was in coming with him from Mt. Carbon, and we walked together up to Pottsville, and we went together to Mr. Schalck's office; that is, the committee-room. I was present in the room all the time he (Phillips) was there with Mr. Schalck. Mr. Phillips showed the receipts to Mr. Schalck, and Mr. Schalck kept them. Mr. Schalck there, in my presence, paid Mr. Phillips money for them. I can't for certain say how much, but I think it was a round ten dollars. Then Mr. Schalck told him to leave them there; that he would give them to him again. I believe this happened between six and half past seven in the evening, and upon a Saturday. The last I saw of Mr. Phillips that evening was that I went with him as far as my own house. I believe we parted at about ten o'clock; it may be between ten and eleven o'clock.

Phillips lives below me—about four hundred yards below me—on the turnpike. I don't remember whether Phillips challenged Republicans that day. I don't remember that any Republicans were challenged that day. We let some of the Republicans vote without showing their tax-receipts. I don't remember of any Republicans that were made to show their tax-receipts. I was one of the inspectors, and any citizen who came there, whom I knew to be a legal voter, I did not challenge him for his tax-receipt.

Rerecross-examined:

Question. How many people were murdered at that poll that day?—Answer. Nobody; and nobody was hurt or injured in any way. There was not, to my knowledge, any bulldozing or intimidation at our poll that day. There was not, to my knowledge, a single Republican voter

who was bulldozed or intimidated that day, and everything passed off as quietly and orderly as at other polls, only that Mr. Bell would keep interfering in having the affidavits made out whenever any one came to vote "on age." All the confusion I saw made that day was by Mr. Bell.

In chief:

There was no whisky in that house that day to my knowledge, and no man was drunk but him to my knowledge. I remember Peter Reilly going for his tax-receipt; I remember he had two receipts; I remember we passing both of them over to Mr. Bell and the judge of election; I remember Bell had one and the judge the other; I remember Mr. Bell saying of the one he had, "This receipt don't entitle him to vote;" I remember the judge saying, "If that one don't, this one does." Mr. Bell says to the judge, "Let us see it;" and the judge said, "It satisfies me and the board, and that is enough."

MAURICE RYAN.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

EDWARD FOGERTY sworn.

I live in Blythe Township; I voted at the last election; I am between 25 and 26 years of age; I did not pay a State or county tax within two years before the last election (November 7, 1876), but my mother did for me; I did not see my taxes paid for me within two years before the last election; I was born in this country.

Cross-examined:

These are my tax-receipts.

(Witness produces tax-receipts, one dated August 18, 1875, for county and other taxes of 1875, amount $3.43, John Head, collector; another dated December 12, 1876, for county building tax for 1876, amount $0.83, Bernard O'Donnell, collector.)

I myself paid Bernard O'Donnell. The receipt of John Head's I did not pay myself; my mother paid it for me, out of my money. I got the John Head receipt upon the day of its date; at least he left it in the house at that time. I found it in the house shortly after that day; my mother showed it to me; gave it to me, and I have had it ever since, and voted on it. This tax has not been demanded of me since I got the receipt.

Redirect:

I don't know that Mr. Head has been in the habit of giving tax-receipts for which he was not paid; I did not myself pay the tax for 1875; the tax for 1876 was paid after the election of 1876; I was living at home with my mother in 1875; we constituted one household and one family; I brought my wages home to my mother, and she paid my taxes and all such bills for me.

In chief:

I pay during the year to my mother not as much as would average my board per month.

Re-recross-examined:

When I work the wages I bring home and hand to my mother is more than enough to pay my board-bill, but I have not had any work for some time.

In chief:

Question. For whom did you vote for Congress at the last election? (Objected to.)

Answer. I voted for James B. Reilly.

Recross-examined:

I just looked at the first name upon my ticket before voting it and I saw Reilly's name on it; his name was on it for the office of Congress; I am sure I voted that ticket.

EDWARD FOGERTY.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOSEPH OBERLIES sworn.

I live in Yorkville; I voted at the last election; I paid all the taxes, but have not got the receipts; I have all my tax-receipts at home; I paid my 1874 taxes to Joseph Maiglich; I paid my State and county tax in 1875; I paid it every year; I paid my 1875 tax (State and county) to some Irishman; I don't remember his name; he is dead now; I paid my State and county tax for 1876 to Joseph Maiglich; I can bring receipts for 30 years back; I was born in Germany; I am in this country 37 years.

JOSEPH OBERLIES.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS WALSH sworn.

I live in Blythe Township; I voted at the last election; I did not pay State or county tax within two years preceding the last election; I am between 60 and 70 years of age, more or less.

Cross-examined:

Before the election (township) I was working, and some of my neighbors was going down to Cumbola to John Head's, the tax-collector. John Ross was down; he paid for a tax-receipt for me, and sent it to my house. That was in time for voting at the last township election; that was in the year 1876; I have not got that receipt with me; it is in the possession of Mr. Fowler and his party; I was subpœnaed as a witness in the contested-election case of Fowler *vs.* Felthoff. They held the receipt there; I was notified to take my receipt and voting-papers there, and they kept my receipt from me there. The tax for 1875 was not asked again of me after I got the receipt; I don't remember anything further about my tax after getting the 1875 receipt; I remember nothing further back than that.

Redirect:

I did not see any money paid for my tax-receipt of 1875, and I don't know of my own knowledge that it was paid for.

Question. For whom did you vote for Congress at the last election? (Objected to, &c.)

Answer. I never voted anything but the Democratic ticket, not that I knowed up to that: I can't say whether it was all Democratic that I voted then, or whether it was mixed.

Cross-examined:

I got this ticket (Democratic) and I opened it; I read it; I am not much of a scholar; I saw there was a man by the name of John Holihan whose name ought to be on the ticket, but it was not; I asked the man who gave me the ticket why was not John Holihan's name on the ticket; he told me it did not make much difference. Yes, sir; I am positive that the name of James B. Reilly was upon the ticket that I got.

When I got this ticket, the man who gave me it took hold of it again from me; I am not able to tell whether or not he made any change on it afterward; I handed it to him folded, same as he gave it to me; he handed it back to me; folded the same as I gave it to him, and told me to go and put it in. The ticket he gave me back I believe to have been the same ticket that he at first gave to me; I did not open it after he gave back to me. I know the man who gave me the ticket to be a good, decent Democrat always. He is my neighbor. His name is John Keating. I can't swear that he voted the Democratic ticket; I couldn't swear as to how any man votes; I don't believe any man can do that. I know him a Democrat, because he has that reputation.

his
THOMAS + WALSH.
mark.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

EDWARD FOGARTY, sr., sworn.

I live in Blythe Township. I voted at the last election. I did not pay a State or county tax within two years before the last election.

Cross-examined:

I have a tax-receipt for 1876.

(Witness produces tax-receipt dated September 7, 1876, county and building tax for 1876; amount, $0.28; Bernard O'Donnell, collector.)

O'Donnell is the collector for Blythe Township. Then I have paid a State or county tax within two years preceding the last election. I paid it to O'Donnell.

Redirect:

I got this receipt from O'Donnell on the 7th of September, 1876, the day of its date. I paid him for it on that day.

his
EDWARD + FOGARTY, SR.
mark.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

BERNARD KEEFE sworn.

I live in Blythe Township. I voted at the last election. I am going on 28 years of age. I did not pay a State or county tax within two years before the last election. I was born in this country.

Cross-examined:

I had a tax-receipt, but I gave it to Fowler's party. I mean the commissioner who was taking the testimony in the Fowler *vs.* Felthoff contested-election case. I don't know the name of the commissioner. I

remember the date of the receipt. The date was January 3, 1876, and was in payment of taxes of 1875. John Head was the tax-collector. No, I did not pay any State or county tax within two years before the last election. I knew I had not to pay the tax of 1875 as long as I had the receipt of 1875, and that I was credited for that tax. Head never afterward asked me for that tax.

Redirect:

Question. For whom did you vote for Congress at the last election? (Objected to.)
Answer. I think I voted for James B. Reilly.

Recross-examined:

I can read and write. I read it that day. I got the ticket, opened it, and read it, and I think the name of James B. Reilly was on that ticket. I got the ticket myself.

his
BERNARD + KEEFE.
mark.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

WILLIAM MARTIN sworn.

I live in Blythe Township. I voted at last election. I paid a State or county tax within two years preceding the last election. I lost the State and county tax receipt of 1874. I got the 1874 receipt on the day of the election in 1874, and paid for it about a month afterwards. I did *not* pay a State or county tax for 1875. I did *not* pay a State or county tax for 1876 before the election of 1876; I paid for it since the election.

(Witness produces State and county and building tax receipt for 1876, dated December 15, 1876, $0.83; Bernard O'Donnell, collector.)

I got this receipt since the election of 1876. I got the receipt for 1874 on the day of election in 1874, *i. e.*, for State and county tax for 1874.

Cross-examined:

I have no tax-receipt for 1875. I remember that the county election of 1874 was in the fall of the year 1874. It was between four and five weeks after the election of 1874 that I paid for it. John Head was the collector at that time. I voted in 1874. I did not pay a tax in 1873. It was on the tax-receipt of 1874 that I voted at the election in 1874.

Redirect:

Question. For whom did you vote for Congress at the last election? (Objected to.)
Answer. I can't read nor write. I just got the ticket and I voted it. I believe it was the Democratic ticket.

Recross-examined:

I can't read nor write. I could not tell which ticket I voted, but I believed it to be the Democratic ticket. John Keating gave me the ticket, and he told me it was the Democratic ticket. I did not know whether Mr. Reilly's name was on it. I can't read any.

his
WILLIAM + MARTIN.
mark.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL KENNA sworn.

I live in Blythe Township. I voted at the last election. I am going on 23 years of age; I was 22 years of age on the 22d of last December. I never voted at any county election before the election of 1876.

MICHAEL KENNA.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL MURPHY sworn.

I live in New Castle Township. I voted at the last election. I paid a State or county tax within two years before the last election. I did not myself pay for this receipt. I paid a State and county tax for 1875 on the 14th of March last, in the commissioner's office.

(Admitted as a legal voter.)

his
MICHAEL + MURPHY.
mark.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

BRYAN O'NIELL sworn.

I live in Blythe Township. I voted at the last election. I did not pay a State or county tax within two years preceding the last election.

Cross-examined:

I have no tax-receipts or papers with me. They were kept in the Fowler *vs.* Felthoff contested-election case. I had tax-receipts. I had a receipt for 1876, I think; I am not sure though; I got it last year, but it was for the taxes of the year before, (1875). I did not pay for it myself. I know who did pay for it; it was John Ross who paid for it. I got the tax-receipt about a year ago; it was for my voting-tax.

Redirect:

I am not sure whether I saw John Ross pay for this receipt or not. I was down at the poll when John Ross gave me this receipt; that was at the spring election of 1876.

Recross-examined:

I did not have that receipt myself, but a man had it for me up to the time that they took it at New Philadelphia. That was a friend of mine who took care of it for me.

In chief:

Question. For whom did you vote for Congress at the last election?
(Objected to.)
Answer. I voted for James B. Reilly.

Recross-examined:

I cannot read. I did not open the ticket and read it. I don't know what was in that ticket, and I don't know whose names were on the

ticket; I didn't look at it, whether Nutting's or Reilly's name was on the ticket for Congress which I voted.

his
BRYAN + O'NIELL.
mark.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL DOOLEY sworn.

I live in Blythe Township. I voted at the last election. I did not pay a State or county tax within two years preceding the last election. I can't tell when I came to this country; I am more than 30 years in the country.

Cross-examined:

I have my naturalization-paper.

(Witness produces paper, which is found correct.)

The last tax-receipt I voted on is in Tamaqua; they kept it there. I voted on it at the last election. It is there in the case of Fowler *vs.* Felthoff contested-election case. I was subpœnaed by Fowler to go up there with my receipt. I don't know for what year's taxes that receipt was. I got it to vote at the last election. I don't know how many weeks I had it before the election; but I got it before the election. I did not pay for that tax-receipt myself. I don't know who did pay for it; the man that gave it to me, I guess. 1 guess he gave it to me until I would pay him for it. The receipt itself is all right, and had the collector's name to it. The taxes for that year has not been asked of me since.

Redirect:

I got the receipt some weeks before the last election; I did not get it on the morning of the election. I did not have any conversation in this hall with any one as to what I should testify here. No one spoke to me about that I can remember.

Question. For whom did you vote for Congress at the last election?

(Objected to.)

Answer. I demanded the full Democratic ticket. That's the ticket I voted for thirty years, and wouldn't vote any other, and that's the ticket I voted.

Cross-examined:

I went to the poll and asked for the Democratic ticket; they gave me the ticket that I demanded, and I believe it was all right too, according to my opinion, but I don't remember who was on it. I can't read nor write. I could not open and read my ticket. I do not know whose name was on that ticket for Congress, and I don't know who might be on it, whether Nutting or Reilly; for all I know it may have been Nutting's name, in place of Reilly's, on the ticket that I voted.

his
MICHAEL + DOOLEY.
mark.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

MARTIN MORAN sworn.

I live in New Castle Township. I voted at the last election. I did

pay a State or county tax, I think, within two years preceding the last election. I did not myself pay for the tax of 1876; the collector left at my house while I was at work. I paid a tax for 1875 to Ephraim Phillips; I don't know what tax I paid to Ephraim Phillips. I am 23 years in this country. I was in court to swear to my citizen-papers.

Cross-examined:

This paper I produce is a certificate from court of my citizenship.

(Paper admitted to be correct.)

This treasurer's receipt, dated February 27, 1876, I paid up in the court-house; it is for the county tax of 1875. Amount, $0.99; signed, Cyrus Moore, county treasurer. I got this treasurer's receipt at the time I paid it, and I have had it ever since—about a year ago.

(Witness produces a receipt dated September 22, 1876, for county and building tax for 1876; amount, $0.28; Neal Quinn, collector.)

This is my receipt; I don't remember when it was left at my house; I was working at the time. I did not pay for it myself, and I do not know who did pay for it. I can't recollect when it was left at my house; it was a good while before the election; it was about two months before the election. This tax was not asked of me again, after the receipt was left at my house.

his
MARTIN + MORAN.
mark.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

DANIEL LEAREY sworn.

I live in New Castle Township. I voted at the last election. I did not pay a State or county tax within two years before the last election.

Cross-examined:

(Witness produces tax-receipt dated September 22, 1876, for county and building tax of 1876; amount, $0.42; Neal Quinn, collector.)

This is my receipt; I paid for my receipt. I got my receipt and had it ever since; I guess I got it in September. It was a good while before the election.

Redirect:

I myself paid the money for this receipt to Neal Quinn a long time before the election; I couldn't tell how long before the election. One day, while coming from Saint Clair, I met him; he asked me to pay the tax, and I then paid it on the road. I couldn't tell whether it was a month before the election; I could not tell the day or date.

Recross-examined:

This receipt is filled up with lead-pencil; Neal Quinn filled it up right there when I paid him. The date on the receipt (September 22, 1876) is the date when I paid this tax to Neal Quinn. When I stated in my examination-in-chief that I had not paid any State or county tax within two years before the last election, I meant that I had not paid any tax for the two years before last year, and I did not vote in those years, either.

Redirect:

I know Neal Quinn these many years. I had a conversation with him here this morning, outside of the hotel. I did not show him this receipt.

(Witness showing his receipt.) We did not, in our talk, say anything about this receipt.

his
DANIEL + LEAREY.
mark.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned until 1.30.

1.30 P. M.

DANIEL FARRELL sworn.

(Counsel for contestant offers in evidence notice of February 6, 1877, of witnesses to be examined on February 9, 1877, with proof of service thereof upon incumbent, marked "Exhibit P."

Counsel for incumbent objects to the taking of testimony under this notice, dated February 6, 1876, notifying of testimony taken on Friday, 9th of February, 1877, because said notice has not been served personally on Hon. James B. Reilly, nor has service thereof been accepted by his counsel, and the time of service or notice is entirely too short. The notice being for Friday, the 9th, and that day being past, counsel objects to proceeding thereunder, to-day being Saturday, the 10th of February, 1877; and, also, because the taking of the testimony under the previous notices at this place has not been concluded, and should not be interrupted.

Counsel for contestant replies that the notice was duly served upon A. W. Schalck, esq., attorney for the incumbent, who appears here to cross-examine the witnesses for said incumbent, and was so served upon said attorney, because the incumbent has been absent from the district for at least a week or more before the service of the notice.

It is admitted that the incumbent is at the city of Washington attending to his public duties.)

I reside in Frailey Township. I voted at the last (November) election. I have paid a State and county tax for both years preceding the last election. I have no private receipts. I have been collector of taxes in Frailey Township for a number of years back. There is only one Daniel Farrell living in Frailey Township. As I am the tax-collector, I say there is no other one in the township.

Cross-examined:

I have been the collector of Frailey Township since 1866, I think, except one year when I was absent, viz, 1873. I am not in the habit of giving myself an ordinary tax-receipt. I never did. I always took it that a man can't give himself a receipt for his taxes, but that it should come from the county treasurer for my own personal taxes. I produce two receipts here. They are from the county treasurer for 1875. One is dated November 23, 1875, for $2,481.06, on account of duplicate for Frailey Township for 1875, county tax, signed Daniel Barlow, treasurer. The other is dated January 31, 1876, for $568.03, being $532 in full for witness' duplicate as collector of Frailey Township for county tax of 1875, and also $36.03 in full for State tax for said township of the same year. I have paid in full into the county treasury all the State and county taxes from Frailey Township for the year 1875, and, as the receipt shows, my last payment was January 31, 1876.

Question. This includes your own personal tax?

(Question withdrawn.)

Q. Does not this include your own personal tax?—A. My personal tax is in that receipt. So I can swear to you now that I have paid my personal tax for 1875. I swear to you now that I have paid my county tax for the year 1875. The other receipts I produce are the receipts for my tax-duplicate for 1876.

Copy of receipt, dated Pottsville, December 29, 1876.

Rec'd of Dan'l Farrell, coll. Frailey, $1,500, on acc. of duplicate of 1876, county; $200 on acc. of dup., of 1876, building; total, $1,700.

(Signed) CYRUS MOORE, *Treasurer*,
Per HENDLER.

Also copy of receipt, dated Pottsville, January 17, 1877.

Received of Dan'l Farrell, coll. Frailey, in full, dup. of 1876, county	$195 11
Received of Dan'l Farrell, coll. Frailey, in full, dup. of 1876, State	7 27
Received of Dan'l Farrell, coll. Frailey, in full, dup. of 1876, building	101 05
	$303 43

(Signed) CYRUS MOORE, *Treasurer*,
Per HENDLER.

This has been my practice during all the years I have been collector of that township, to pay all my taxes directly to the county treasurer. I was sick during all the year 1874. My brother paid it for me. I can't tell when my personal taxes for that year were paid. Some time in January, 1875, the final settlement was made for 1874. The way the business is done is, that in the beginning I am charged with the whole amount of the duplicate, and at the end of the year I must pay in the amount of the duplicate, less such exonerations as the county commissioners allow me, less also my percentage. My name was in the duplicate for the years 1874, 1875, and 1876, as well as the previous years, and I was not exonerated from my own personal tax during any of these years. I never asked it, either.

Redirect:

Question. For whom did you vote for Congress at the last November election?

(Objected to.)

Answer. James B. Reilly.

DANIEL FARRELL.

Sworn and subscribed before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN ROSS sworn.

I live in Blythe Township. I voted at the last November election. I have myself paid a State or county tax within two years before the last election. I paid it in 1874. I paid it on the 23d of December, 1874. I think it was before the election in 1874, at which Reilly ran for Congress, that I paid my 1874 taxes. I voted at that time on that receipt.

Cross examined:

I don't remember hardly the month of the election in 1874. I was boating at the time. I was home to the election.

Question. You have told us that you paid your taxes on the 23d of December, 1874, and you have also said that you had paid those taxes before the election of 1874, the election having been held that year in November, and fully 6 weeks before the 23d of December. Please explain this apparent contradiction.—Answer. Well, I didn't understand it, sir.

Q. Well, you did actually pay your taxes on the 23d of December, 1874; is that so?—A. Yes, sir. I got a receipt for the tax which I paid then. It is in Tamaqua now. That receipt I am satisfied is also dated December 23, 1874. It was not that receipt which I had in November, 1874, at the time when Reilly first ran for Congress.

Q. If you have answered before that it was that receipt that you had, then it was a mistake?—A. It was a mistake.

Q. What you mean was, that you did have a tax-receipt, but not this receipt which you got on December 23, 1874?—A. I reckon that's the way of it. It was this receipt of December 23, 1874, that I voted on at the last election. I was subpœnaed a witness in the Fowler *vs.* Felthoff case, and upon their notice left my receipt there. I last saw my receipt there quite recently, and I have no doubt of the date being December 23, 1874. I got it upon the day of its date, and that was the day I paid it. The receipt I got dated December 23, 1874, I got for the spring election, which followed after the time I got my receipts.

Q. When Mr. Smith asked you whether you had the receipt dated December 23, 1874, at the election held the month before, and you answered "Yes," did you understand his question?—A. I did not, sir.

Redirect:

Q. You knew, when I asked you the question, that Reilly did not run for Congress at any spring election?—A. I made a mistake at the time that Mr. Smith asked me first. Of course I knew Reilly was not running for Congress at the spring election. Of course I made a mistake with Mr. Smith at the first going off, but I understand now better what he means. I have lived about thirty-odd years in Blythe Township. There was another John Ross living in Blythe Township some time ago; but I can't say that he lived there in 1874.

Q. For whom did you vote for Congress at the last election?

(Objected to.)

A. I voted the Democratic ticket. I thought so, anyhow. There were men there on the Democratic ticket that did not belong to the Democratic ticket. I was informed that.

(Objected to information.)

Recross-examined:

Q. Mr. Smith having asked you why you thought that you had voted the Democratic ticket at the last election, and you having answered that "There were men there on the Democratic ticket that did not belong to the Democratic ticket. I was informed that." State what you mean by that answer, and what men you refer to as having been on the ticket that did not belong there.

(Objected to.)

A. Fowler was one, I think, that I heard them say, and Torbert (some name like that) was another. That's all I know. I did not hear of any others. I opened my ticket. I read the top of it; that was all. I did not closely examine my ticket whether it had the names of the Democratic candidates or not. If I had examined it, I would be all right. I

intended voting the Democratic ticket, but can't swear now whether I did or not vote the Democratic ticket.

In chief:

Yes; the name of James B. Reilly was on the ticket, of course, that I voted.

Recross-examined:

I opened and saw the name of Reilly upon the ticket that I voted.

JOHN ROSS.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

HUGH DOUGHERTY sworn.

I live in Blythe Township. I voted at the last election. I myself paid a State or county tax within two years before the last election. I paid John Head the money for this receipt; can't say when I paid it. A year or more since I paid it. I did not pay a State or county tax for the last year.

Cross-examined:

(Witness produces receipt dated November 17, 1875, for county and school tax for year 1875, amount, $2.10; John Head, collector.)

I paid this tax the day I got this receipt. He wrote it on the table of my own house; have had it ever since.

Redirect:

Question. From whom did you receive the receipt in 1876?

(Objected to as irrelevant and immaterial.)

Answer. From Bernard O'Donnell.

Recross-examined:

Can't say when I got it—a good while before the last election.

his
HUGH + DOUGHERTY.
mark.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. A. WESTON,
Notary Public.

CASPER WEHINGER sworn.

(Incumbent's counsel objects to testimony of this witness, being under the notice of February 3, 1877, for the 7th instant, for the reason stated when Condy McFadden was called.)

I used to live in the west ward of borough of Schuylkill Haven. I did not live there on the day of the last election. I moved away from that ward on the 18th of September and moved into the north ward. I voted at the last November election in the west ward.

Cross-examined:

I now live in the north ward. It was the 18th of September, 1876, that I moved. I moved permanently on that day. It was my object to stay in the north ward. I built a new house in it and moved into it. As I was living in the north ward on election, and voted in the west ward, the way it came was that they sent for me and told me I had a right to vote in the west ward, because I had lived there fourteen years.

Redirect:

Question. For whom did you vote for Congress at the last election? (Objected to.)

Answer. I can't tell upon my oath for whom I voted. I knew who the candidate was on the Democratic ticket. James B. Reilly was the candidate. My son fetched me to vote, and gave me the ticket. I did not open the ticket. Of course, if anybody else had given it to me I would have opened it. I had confidence in my son that he would give me the Democratic ticket. My son gave me a ticket. It was folded, and I went and voted it. Of course I do not know whose name was on for Congress on the ticket I voted, and, for all I know, Nutting's name may have been instead of Reilly's for Congress.

CASPER WEHINGER.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

EDWARD BRENNAN sworn.

I live in Schuylkill Haven, in the west ward, and lived there for 22 years.

(The testimony of this witness is objected to for the same reason as the last one.)

I voted in the west ward at the last election. I paid a State or county tax within two years before the last election. I did not myself pay a State or county tax in 1875. I don't know that I paid a State or county tax in 1874. I thought I was exempted from the tax. I did not pay a State or county tax last year (1876).

Cross-examined:

(Witness produced a receipt dated October 4, 1876, for county and building tax for year 1876, amount $0.55; N. H. Butz, collector.)

This is my tax-receipt for last year. I did not pay this tax myself; I can't tell who paid it for me. I don't know who it was that left it at the house for me when I was not at home. I got it on plenty of time before the last election (November 7, 1876), and I voted on this receipt. After I got this receipt the taxes were not asked from me any more. In 1875 I sent my wife over to Stager's, the collector, with the tax, but he did not give her a receipt, but she said that Stager said it was all right.

(Objected to that hearsay testimony is not admissible.)

I can't tell how much money it was that I sent over. Stager never came around after that to ask the taxes of me.

Redirect:

I don't know anything about my taxes for 1875, except what my old woman told me. The receipt for 1876 I had as much as a week before the election, I believe; I can't rightly tell. It was left at my house. I don't know who left it.

Question. For whom did you vote for Congress at the last election? (Objected to.)

Answer. I voted for Reilly; don't know what his first name is.

Recross-examined:

I did not open and read my ticket. I could not read. Another Democrat read it to me. He read the names of them that was on the ticket, and that's what I have to go by. He read me some names, but I could

not swear that they were on the ticket. I can't swear that he read it correctly. That's all I have to go by, and can't tell whether Nutting's or Reilly's name was on it. I think the Democrat would not tell me a lie.

Q. You say you got this ticket from a Democrat; can you swear that the man himself voted the whole Democratic ticket at the last election?—A. I saw him put a Democratic ticket in too. He told me he voted the Democratic ticket too.

his
EDWARD + BRENNAN.
mark.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

PATRICK CARR sworn.

I live in Schuylkill Haven, in the west ward. I voted at the last election. I voted in the west ward. My residence was in the west ward, but is not now. I moved from the west ward some time in the summer, but can't tell the month. It was when I went aboard of my boat—that is, lived on board of my boat. I moved to the boat before the election of last year, November 7, 1876. The boat was trading between Schuylkill Haven and Philadelphia. My home was on the boat. I am a boatman by occupation. My home had been in the west ward of Schuylkill Haven for two years. When I went on board of my boat that changed my home, and my home then was on the boat. I used to get my washing done in the west ward of Schuylkill Haven. When my boat is at home, laying there, my residence is in the west ward of Schuylkill Haven. My boat belongs to Schuylkill Haven, and, when home, is in the west ward. I never intended to acquire a residence in any other election-district in Schuylkill Haven.

Question. You have no election-poll on your boat, have you?—Answer. No, sir.

Q. Is there any other election-district or poll at which you could vote if it is not the west ward of Schuylkill Haven?—A. I couldn't tell that; I wouldn't be sure of that.

Q. If you think you have acquired a right to vote at any other poll, where is that poll?—A. I couldn't tell that; I wouldn't be sure of it. From the time I moved upon the boat, I have not made my residence at any other place than on the boat. I was boating last fall, at the time of the election (November 7, 1876), between Schuylkill Haven and Philadelphia. On election-day I was in Schuylkill Haven.

Q. When you moved on board your boat last summer was it your intention to abandon the residence you had in the west ward of Schuylkill Haven, and to acquire a new residence in any other election-district?—A. No, sir; I considered myself a resident of the west ward as well after running on my boat as before. I paid no State or county tax within two years prior to the last election, November 7, 1876.

Recross-examined:

I never paid any taxes, and don't know that anybody ever paid them for me. I have no tax-receipts.

Redirect:

Q. For whom did you vote for Congress at the last election, November 7, 1876?—A. James B. Reilly. I was born in February, 1853.

Recross-examined:

I opened and read the ticket I voted at the last election. I remember

positively that Mr. Reilly's name was on my ticket for the office of Congress.

In chief:

I know Daniel Coleman. Can't say whether he voted at that poll at the last election. Can't tell you where he is now. He is not in that ward. I don't know his age. He was born and raised in the city of Philadelphia. I don't know him more than four years that I can remember. He has been boating the last year. (Objected to.) To the best of my knowledge he stopped on a boat at Philadelphia, last winter. One winter he was in the west ward of Schuylkill Haven. The other winters I don't know, but it was not in the west ward. Couldn't say whether it was two or four winters ago that he spent the winter in the west ward. The winter he was in the west ward of Schuylkill Haven he boarded there. I know of no other Daniel Coleman that was in the west ward of Schuylkill Haven. He is a boatman, and follows boating during the boating-season. He boarded with James Halton when he lived in the west ward. The last time I saw him was last fall; he was going down on his boat. Don't know whether it was before or after the election.

Incumbent's counsel declines to cross-examine this subject.

his
PATRICK + CARR.
mark.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN O. BRIEN, Jr., sworn.

I live in the west ward of Schuylkill Haven. I voted at the last election. (Incumbent objects as to the preceding witness.) I voted in the west ward at the last election. I was born in the west ward and have lived there ever since. I did not pay a State or county tax within two years before the last election.

Cross-examined:

I was 23 years of age the 3d of last January. I swear to it from the knowledge I have from my parents. No; no one paid my taxes for me; at least I never got any receipts. I live with my parents. My father nor mother did not at any time pay my taxes that I know of. No taxes have been demanded of me.

Redirect:

Question. For whom did you vote for Congress at the last election? (Objected to.)

Answer. I voted for James B. Reilly. I opened and read the ticket I voted, and I am sure that James B. Reilly's name was upon it, for the office of Representative to Congress.

JOHN O'BRIEN, Jr.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES COLE sworn.

(As the name does not appear in the list, it is agreed that he shall be called in the place of his wife, Mrs. Cole, reserving the same objection made to the list of February 3, 1877.)

I live in the borough of Mount Carbon. I know John Carroll; he lives with me. I am married to his daughter. He is not in a condition to come here and testify. He could not get down stairs unless he would be carried. He is not in a condition to give testimony, even if you went there to his room to take it. He didn't remember anything at all, and is now, and has been since some time last night, talking continually. He has not his right senses at all. He was not as bad as he is now when the subpœna was served; but since the 3d of September last——

(Here counsel for incumbent interposes an objection, that when the witness was called in place of his wife it was only to prove the present condition of John Carroll and his inability to appear at this hearing as a witness, and for no other purpose; that, therefore, it would be improper and in violation of the understanding between counsel to go into any testimony of this witness concerning Carroll's condition before the last election.

Counsel for contestant denies that such was the understanding of counsel for contestant, that such was the agreement. That the agreement was, that the witness should be called in place of Mrs. Cole; that the testimony related to the illness of John Carroll, and, as the husband knew the same facts, he could testify in her place.

The witness is withdrawn by contestant's counsel because, for the reason alleged, that the incumbent's counsel objects to any testimony beyond the present condition of the health of John Carroll, because the undersanding he entered into when he agreed that the witness should be called in the place of his wife, and therefore withdraws the witness to call Mrs. Cole on Monday next, the next sitting of the commission.

Counsel for incumbent protests against the withdrawing of this witness, and denies the assertion of counsel for contestant, and says that when Mr. Cole was called by counsel for contestant, it was in the place of Mrs. James Cole, simply to prove that John Carroll, who had been subpœnaed by contestant, was not in a condition to appear here, and thus to lay grounds for testimony of other witnesses to impeach the vote of said Carroll at the election. And further, that the objection to testimony concerning the previous condition of John Carroll had been withdrawn by counsel; whereupon the witness answered that his illness or unsoundness, whatever it was, was since the second Sunday of December, and not until after that was he withdrawn.)

Owing to some confusion caused by the argument of counsel during the examination of the witness James Cole, the clerk omitted to record the objections and answers of counsel. This was not discovered until after the whole page was written. Counsel for incumbent and contestant then restated their objections and answers, and at their joint request the said page was rewritten, giving a full and true record of the proceedings in manner and form as it should have been recorded in the first instance.

H. K. WESTON,
Notary Public.

A. R. BACE sworn.

(This witness being called, under the notice dated February 6, 1877, incumbent's counsel renews the objection made to that notice, and the sufficiency of the service thereof and the examination of witnesses thereunder.)

I live in the northwest ward of the borough of Pottsville. I am State and county tax-collector for the borough of Pottsville. I don't know Richard Nash. Richard Nash paid me no State or county tax for the year 1876. If John McCormick is not on the extra assessments then he

has paid no State and county tax for 1876; Robert Nesbitt has not paid any State or county tax for 1876, unless he is upon the extra assessment; Martin Carroll has not paid me any State or county tax for 1876, unless he is upon the extra assessment; James Conohan has paid me no State or county tax for 1876, unless his name is on the extra assessment.

Cross-examined:

The names I have been looking for I looked for in the north ward. If they are in my duplicate in any other ward, I have not examined into that. It sometimes happens that parties living in one ward are assessed in some other ward. People living in one ward six years already I have found assessed in another. That occurs frequently. Parties may have paid me tax in another ward, and I mean I do not find them assessed in that ward when I say they have not paid me tax. There are seven wards in Pottsville, and each has a separate assessment. I am positive Mr. Nash paid me no taxes whatever in any ward in Pottsville. There is a John McCormick, who lives in the northwest ward, and he paid me tax in that ward. He does not live in the north ward. John McCormick has not lived in the northwest ward seven or eight years. Robert Nesbitt is not assessed in any of the wards of the borough, unless he is upon the extra assessment. There is no such name as Martin Carroll on the duplicates of any of the wards, unless they be upon the extra assessments. There is no name of James Conohan upon the duplicates of any of the wards of the borough. It may be upon the extra-assessment list.

Adjourned to Monday morning, February 12, 1877, at 10 a.m.

A. R. BACE.

Sworn and subscribed to before me this 10th day of February, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to Monday morning, February 12, 1877, 9 a. m.

And now, February 12, 1877, the examination resumed in pursuance of adjournment on February 10, 1877. Present, William R. Smith, esq., and J. H. Pomeroy, esq., of counsel for contestant, and A. W. Schalck, esq., of counsel for incumbent.

Counsel for contestant now proposes to have the commissioner or examiner taking testimony at this time and place to open the ballot-box of Rahn Township, in which the ballots cast for the incumbent and contestant for Representative from the thirteenth Congressional district of Pennsylvania to the House of Representative of the United States for the Forty-fifth Congress, at the election held upon the 7th day of November, A. D. 1876, in and for said township are deposited, which box is now produced and placed in the hands of the commissioner for that purpose. This offer is proposed for the purpose of establishing the fact for whom the voters who have proved to have been illegal, not qualified voters of the township, voted for Representative as aforesaid, whether for the contestant or incumbent.

Counsel for incumbent, before specifying his objections to the foregoing offer, requests the production of the notice under which this proceeding is to take place, if any, and the proof of service thereof, stating also that the counsel for incumbent who has been in attendance at this examination for a week knows nothing of any such notice, and had no such notice, neither has the incumbent any such notice hereof to the

knowledge of his counsel, the incumbent himself being now and having been for several weeks away from home attending to his public duties at Washington.

The counsel for contestant replies, that the act of Congress does not require any notice whatever to be given of papers or other documentary evidence to be offered; but also avers that the counsel for the incumbent present, as well as all the counsel who appeared for the incumbent to cross-examine witnesses at the taking of the testimony in this matter, had actual notice that the ballots would be produced and offered in evidence at the closing of the testimony, and it is also done to supply the evidence which all the counsel who appeared to cross-examine on the part of the incumbent asserted to be the best and only evidence to determine how the voter who was proved to be illegal or to have cast an illegal ballot voted for Representative as aforesaid.

Counsel for incumbent answers as follows: While there may be no objection to the production of official papers duly certified by the proper authority (which point, however, is not conceded), the papers now to be produced are not such official papers as can be given in evidence without previous notice, and moreover require extrinsic proof as to their identity and connection with the question at issue.

As to the averment of contestant's counsel that counsel for incumbent had notice of the proceeding now to be attempted, the present counsel for incumbent cannot speak for the other counsel of incumbent who are absent, but says that he is informed that they had no such notice. As regards himself, the counsel for incumbent now present saith that he has had no notice whatsoever of the proceedings here proposed; the only notice of the desire of contestant's counsel to attempt any such proceedings was last week, when an application was made to Register Hobart, taking testimony here, for an order on the custodians of the ballot-boxes to produce them before him, which order Mr. Hobart declined to make; that, thereupon, verbal notice was given to counsel present that a similar order would be asked for from the Hon. Judge John Cadwalader, judge of the United States district court in Philadelphia, but that said Judge Cadwalader, upon such application being made to him on Friday last, refused to make the order desired, or to interfere in the matter; that was the last which the counsel for incumbent, now present, heard of the contestant's desire to have the ballot-boxes opened, and that the proposition to do so this morning is a surprise to incumbent's counsel, and he is not prepared to go into the investigation proposed.

And as to any allegation of service or notice being given to incumbent, or any of his counsel, counsel present denies the sufficiency of the bare averment of opposite counsel that such notice was given, and says that such averment is not sufficient to authorize the commissioner to proceed as proposed; that to warrant the commissioner in proceeding, and also to show to the Congressional committee that may hereafter be appointed in this case, that sufficient notice was given, there must be produced here an affidavit of service of such notice, and the time and place thereof, and upon whom and for what time and place such notice was given, so that the sufficiency or insufficiency thereof can be judged by the proper authorities.

The incumbent's counsel insists upon such proof being made before any further steps are taken in the premises.

The counsel for contestant now asks that the commissioner now proceed to open the ballot-boxes and examine the ballots which appear from the testimony to be illegal.

The counsel for incumbent protests against the commissioner doing

anything of that kind, not only for the various reasons heretofore stated, but also because the commissioner has no power or authority to do anything of that kind. That the ballot-box, though now in the physical power and control of the commissioner, is here without any warrant of law and contrary to the law, and also contrary to the order of the court of common pleas of Schuylkill County made in the premises this morning, to the effect that all the ballot-boxes used in the election of 1876 be deposited in the vault of the prothonotary's office, and that, whenever it becomes necessary to open any of said boxes, they shall be opened in the presence of one of the judges of said court at the court-house in Pottsville; a certificate of which order, signed by the prothonotary of said court, is now presented and submitted to the commissioner. Furthermore, that the commissioner has no power whatsoever to break the seals on said ballot-boxes and to open the same, or to count ballots therein contained; that, under the laws of the State of Pennsylvania, the ballot-boxes must remain with the custodians appointed by law therefor, and cannot be opened, except under such circumstances and with such precautions as the law directs, and to open them here would be a violation of the laws of Pennsylvania, a violation of the order of said court, a contempt of said court, and a gross excess of the rights and powers of said commissioner; and incumbent's counsel, as well for the information of the commissioner as of himself, calls on contestant to produce the act of Congress or other law under which said extraordinary powers are claimed, and claims the right to argue this question before the commissioner before the commissioner decides upon the application of contestant's counsel. Further, that no necessity for such exercise of power has been shown, and that, according to the contestant's own affidavit exhibited to Register Hobart last week, in making the application before referred to, it is claimed and alleged that contestant had already proven more than one hundred illegal votes as having been cast for said Reilly at the last election; and, if that is true, the majority of said Reilly, having been only eighty-one at the said election, is already more than overcome, and the contestant has already made out his case; according to his own averments, and there can be no necessity and no justification for the exercise of the powers now claimed. Also that we are here taking testimony under the several notices already given in evidence by contestant's counsel, none of which, either directly or indirectly, refer to the said township of Rahn, or to any citizen or voter thereof; and that, therefore, no testimony can be heard here concerning the same, and no papers relating to said township can be examined here.

The testimony relating to Rahn Township had been taken before another commissioner, to wit, John C. Conrad, esq., in Tamaqua, and has not been adjourned to this time and place; neither had Anthony Campbell, esq., who attended there, as counsel for incumbent, to cross-examine the witnesses then and there produced by incumbent, any notice whatsoever that any testimony would be taken or any proceedings had here in reference to Rahn Township, or any citizen or voter thereof; and said Campbell, now present, the incumbent's counsel at this hearing, proposes first to show by said Campbell that no such notice was ever given him as has been averred here to-day.

Counsel for contestant calls the attention of the commissioner to the fact that the paper offered as a certified order of the court of common pleas of Schuylkill County is not an official paper, it does not show what court made the order, the signature thereto is not in the proper hand writing of the prothonotary of any court of Schuylkill County, and that there is no seal attached to it; but as we have unofficial notice that the

court of common pleas of Schuylkill County has made an order that the boxes shall be placed in their possession, counsel for contestant does not object to the commissioner taking notice of the fact of such order, and after he has decided to go on to examine the ballots to adjourn to the court-house at Pottsville, as we understand it to be the desire of the judges of said court; and asks that when such order is certified to by the court, that it be made a part of these proceedings.

Incumbent's counsel further calls the attention of the commissioner to the fact that there are now pending in said court of common pleas of Schuylkill County contested-election cases involving the seats of several members of the house of representatives of Pennsylvania, from this county, and that the votes therein impeached are in many instances the same as are here impeached, and involve an examination of the same ballot-boxes for the proper determination thereof, the same ballot-boxes proposed to be here opened and examined, and that for the commissioner to do what is now asked, and to carry out the provisions of the act of Congress under which his authority is claimed, would prevent said court from passing upon and deciding the cases there pending; which cases were commenced before any examination in this case took place or notice thereof given.

And now, 2 o'clock p. m., met in pursuance of adjournment. After hearing the arguments of counsel for contestant and incumbent, I decide to open the ballot-boxes for the purpose of examining the tickets of such ballots cast by persons who have been proved not to have been legal or qualified voters. I appoint A. B. Cochran and Jesse S. Hawley to assist in selecting and arranging the ballots about to be examined, who have made the affidavits hereto attached. I now adjourn to the court-house in pursuance of the order of said court of common pleas of Schuylkill County.

And now, 3 o'clock, in the upper court-room of said court-house, at Pottsville—present, honorable David B. Green, one of the associate or additional law judges of said court—I proceed to open the ballot-boxes called for by the contestant.

A. B. COCHRAN sworn.

Counsel for incumbent asks that contestant's counsel produce the notice under which they claim the right to call this witness, and contestant's counsel replies that the notice containing his name will, in due time, be properly shown.

(Ballot-box for Rahn Township opened.)

Ballot No. 50. "Charles Boner" on list of voters. Corresponds with the certified list from prothonotary's office. Ballot reads: "For Congress, James B. Reilly."

Ballot No. 134. "Hugh McGee" on the list of voters. The certified list corresponds. Ballot reads: "For Congress, James B. Reilly."

Ballot No. 44. "Daniel Boye" on the list of voters. Corresponds with certified list, only it is spelled "Boyle." Reads: "For Congress, James B. Reilly."

Ballot No. 286. "Danl. Dougherty" on list of voters. Corresponds with certified list. Reads: "For Congress, James B. Reilly."

Ballot No. 67. "Roger Rogers" on list of voters. On certified list, "Rodger Rodgers." Reads: "For Congress, James B. Reilly."

Ballot No. 218. "John McGeehan" on list of voters. Certified list corresponds. Reads: "For Congress, James B. Reilly."

Ballot No. 2. "John B. Galagher" on list of voters. "John B. Gallagher" on the certified list. Reads: "For Congress, James B. Reilly."

Ballot No. 51. "John O'Donel" on list of voters. On certified list, "John O'Donnell." Reads: "For Congress, James B. Reilly."

Ballot No. 148. "Pattrick Bonner" on list of voters. On certified list, "Patrick Bonner." Reads: "For Congress, James B. Reilly."

I have announced correctly the numbers of the ballots and the names on the lists. I found that the numbers on the ballots correspond with the same number on the list of voters, and the name opposite to it.

Cross-examined:

I found the book in the box marked, "General Election, 1876. List of voters who voted in Rahn Township, Schuyl. County, Pennsylvania." In ballot No. 2 there is one "l" in the name Gallagher on the list of voters, and two "l"s on the certified list. In ballot No. 67, the name is "Roger Rogers" on the list of voters, and "Rodger Rodgers" on the certified list. On the book, I found it reads: "Election, 1876. List of voters who voted in Rahn Township, Schuylkill County, Pennsylvania." Then follows the numbers and the names of the voters. (The list I read from first was a memoranda to aid in finding the numbers, handed me here by Mr. Smith, I think.) The ballots are sometimes numbered on the back and sometimes on the face of the ticket; there was no regularity about it.

There was but one number on each ticket. Those tickets I read from are all headed "County." I myself have no knowledge of this box (referring to ballot-box) as that of Rahn Township, except from the name I find placed upon it, and the book found therein marked "List of voters of Rahn Township," &c.

Redirect:

(Ballot-box for Kline Township called for by contestant's counsel, which is now produced and opened.)

I find the tally-list in this box marked "Nov. 7. Election, 1876. List of voters who voted in Kline Township, Schuylkill County, Pennsylvania;" also marked on the inside as a heading, "Nov. 7. Election, 1876. List of voters who voted in Kline Township, Schuylkill County, Pennsylvania." I find the oath of officers in this box; they are for John B. Gallagher, judge; John P. O'Donnell, inspector; Thomas F. Williams, inspector; Thomas Gallagher, clerk; Isaac Phillips, clerk.

(Witness shown certified copy of the list of voters of Kline Township.)

The number of voters correspond. They are each "216."

No. 119. "Patrick Gallagher," offered in evidence. The name on the "List of voters," as well as the certified list of voters furnished by the prothonotary, is the same. Ballot reads: "For Congress, James B. Reilly."

Ballot No. 184. "John Boyle" on the list of voters. All the lists correspond. Ballot reads: "For Congress, James B. Reilly."

Ballot No. 117. "Patrick Manly" on list of voters, and "Patrick Manley" on certified list. Ballot reads: "For Congress, James B. Reilly."

Ballot No. 13. "William Bellingsley" on list of voters. The lists correspond. Reads: "For Congress, James B. Reilly."

Ballot No. 166. "Patrick M. Boyle" on list of voters. The lists correspond. Ballot reads: "For Congress, James B. Reilly."

Ballot No. 126. "Conn Hagerty" on the list of voters. "Coner Haggarty" on the certified list. No. on face of ticket. Ballot reads: "For Congress, James B. Reilly."

Ballot No. 202, marked on face. "John McDevitt" on list of voters. Same on both lists. Ballot reads: "For Congress, James B. Reilly."

Ballot No. 12, marked on face. "John McFadden" on list of voters. Same on both lists. Reads: "For Congress, James B. Reilly."

Ballot No. 213, on face of ticket. "Thomas Banaghan" on list of voters. Same on both the lists. Ballot reads: "For Congress, James B. Reilly."

Ballot No. 78, marked on face of ticket. "Patrick McBride" on the list of voters. The name is the same on both lists. Ballot reads: "For Congress, James B. Reilly."

Ballot 208, marked on its face. "John Clarke," and same on the list of voters. On the certified list, "John Clark," and reads: "For Congress, James R. Reilly."

Ballot No. 62, numbered on the face at the top. "Patrick Welch," also on list of voters; and "Patrick Walsh," on the certified list. Ballot reads: "For Congress, James B. Reilly."

Ballot No. 81, marked on its face. "Roger O'Donnald." Is on list of voters, and marked "Roger O'Donnell" on the certified list, and reads: "For Congress, James B. Reilly."

Ballot No. 158, marked on face of ticket. "George McConnell." The names fully correspond, and ballot reads: "For Congress, James B. Reilly."

Ballot No. 165, marked on face. "Peter Cull," and the same upon both lists. It reads: "For Congress, James B. Reilly."

Ballot No. 87, marked on face. "Denis O'hern," on list of voters. On certified list, "Denis O'Herrin," and reads: "For Congress, James B. Reilly."

Ballot No. 118, marked on face. "Patrick Bonner," on the list of voters, and on certified list (Bonner) is spelled with one "n," and it reads: "For Congress, James B. Reilly."

Ballot No. 181, marked on back of ticket. "Daniel McCafferty," and same on certified list, and reads: "For Congress, James B. Reilly."

Ballot No. 111, on face of it. "Dennis McCool;" on list also; and on certified list reads, "McCoole," and reads: "For Congress, James B. Reilly."

The commissioner appoints George W. Slater to assist in arranging and selecting the ballots being examined, who declines.

Ballot No. 134, marked on face. "Edward Coffee;" same upon both lists, and ballot reads: "For Congress, James B. Reilly."

Ballot No. 210, on face of ticket. "Patrick Dunlevy." On list of voters and on certified list, last name is spelled "Dunleavy." It reads: "For Congress, James B. Reilly."

Ballot No. 206, on face of ticket. "Hugh Boyle;" same on both lists, and ballot reads: "For Congress, James B. Reilly."

Ballot No. 123, marked on face. "James McGlaughlin." On list of voters and upon certified list last name is spelled "McLaughlin." Ballot reads: "For Congress, James B. Reilly."

Ballot No. 176, on face. "Edward Mulldowney." On list of voters and on certified list last name is spelled with one "l." Reads: "For Congress, James B. Reilly."

Ballot No. 70, marked on face "Patrick McNealis." On list of voters and on certified list, "McNelis," and reads: "For Congress, James B. Reilly."

Ballot No. 71, on face of it. "Patrick McDermitt" on list of voters,

and "Patrick McDermett" on certified list. Reads: "For Congress, James B. Reilly."

Cross-examination:

(The witness, Mr. Cochran, continues:)

The box these ballots were taken from is marked "Kline Township." I was present when it was opened, and helped take out the papers; I may have seen the box at the Exchange Hotel, but did not examine it. The box is marked, "John Gallagher, judge;" "John P. O'Donnell, inspector;" and Thomas T. Williams, inspector." They are not all in the same handwriting. The name Thomas T. Williams appears to be written by some other person than the one who wrote the first two names.

I was present when this box was opened. It was tied up with a rope. There seems to have been no sealing-wax about. It was not sealed when I opened it here to day. I don't know out of whose custody it came, only that I saw Constable Thirlwell bringing it up here from the Exchange Hotel. I know nothing of its custody prior to that. There is a little piece broken on the lock. That same piece came off here; it was on the box before the box was untied. It is only a piece from the outside, and the break does not extend to the inside of the box.

Redirect:

The tickets in the box were all strung together, all on one string, State and county, and no mutilation of any kind that I noticed. Everything is regular and in order.

The commissioner appoints Charles H. Heitz to assist in arranging and selecting the ballots about to be examined, in place of George W. Slater, who declined.

Ballot-box of East Butler election-district opened. Box marked, "East Butler." Book marked, "November 7. Election, 1876. List of voters who voted in East Butler, Schuylkill County, Pennsylvania." I find the list of voters numbered to number 145 inclusive. No. 53 is erased. After the names of the voters there is a memorandum, which says: "Number of votes polled, 144. Anthony Carey, clerk of election."

Witness shown certified copy from prothonotary's office of list of voters, which says: "Nov. 7. Election, 1876. List of voters who voted in East Butler, Schuylkill Co., Pa." On the certified list there is no name opposite No. 53, and the list is numbered to 145 inclusive, and in that respect corresponds with the list I find in the box.

Ballot No. 86, marked on face. "Andrew Gallagler" on list of voters, and "Andrew Gallagher" in the certified list, and reads: "Congress, James B. Reilly."

I first read from the list of voters found in the box of East Butler, and then compare it with the certified list, certified to by the prothonotary of Schuylkill County.

Ballot No. 65, on face of it. "Larens Heffrin" on list of voters, and "Lawrence Heffron" on certified list, and reads: "Congress, James B. Reilly."

Ballot No. 11 on face of it. "Micheal Nolon" on list of voters, and "Michael Nolan" on certified list, and reads: "Congress, James B. Reilly."

Ballot No. 77, on face of it. "John Barret" on list of voters, and "John Barrett" on certified list, and reads: "Congress, James B. Reilly."

Ballot No. 64, on face. "Patrick Housten" on list of voters, and

"Patrick Houston" on certified list, and reads: "Congress, James B. Reilly."

Ballot No. 9, numbered on face. "Anthony King." Both lists correspond, and ballot reads: "Congress, James B. Reilly."

Ballot No. 87, marked on back of ballot. "James Conrey." On certified list, "James Conerey. "Congress, James B. Reilly."

Ballot No. 8, on face. "Martin Barrett." Lists correspond. "Congress, James B. Reilly."

Ballot No. 50, on face. "Phillip Irwin," and "Philip Erwin" on certified list Reads: "Congress, James B. Rielly."

Ballot No. 101, on the face. "Thomas Feeney; age." On the certified list it is "Feeny." Reads: "Congress, James B. Reilly."

Ballot No. 116, marked on face. "Thomas Reilly." Lists correspond. "Congress, James B. Reilly."

Ballot No. 98, on face. "Bryan Heffron." Lists correspond. It reads: "Congress, James B. Reilly."

Ballot No. 114, on face. "Michal McAndrew." Corresponds, only on certified list it is spelled "Michael." "Congress, James B. Reilly."

Ballot No. 35, on face. "Edward Gorman" (or "Gormon") on the list of voters. On the certified list, "Gorman." "Congress, James B. Reilly."

Ballot No. 105, on face. "Patrick Loflece" (or "Loftice")—"t" is not crossed nor "i" dotted. On the certified list it is "Patrick Loftus," and reads: "Congress, James B. Reilly."

Ballot 109, on face of ticket. "Thomas Heffrin," and on certified list "Heffron." Reads: "Congress, James B. Reilly."

Ballot No. 58, on face. "John McLarkey." Lists correspond. "Congress, James B. Reilly."

Ballot No. 34, on face. "Anthony Carey." Lists correspond. "Congress, James B. Reilly."

Ballot No. 141, on face. "John McDonell"; but on certified list it is "McDonald," and reads: "Congress, James B. Reilly."

Ballot No. 83, on face. "Thomas Tallett" on certified list, is spelled "Tallot." "Congress, James B. Reilly."

Ballot No. 97, on face. "Patrick Gannon." Lists correspond. "Congress, James B. Reilly."

Ballot No. 104, on face. "Edward Barrett." Lists correspond. "Congress, James B. Reilly."

Ballot No. 30, on face. "Thos. Dougherty." On certified list "Thomas" is spelled in full. Reads: "Congress, James B. Reilly."

Ballot No. 90, on face. "James McLarkey." Lists correspond. "Congress, James B. Reilly."

Ballot No. 7, on face of ticket. "Patrick Conrey." Lists correspond. "Congress, James B. Reilly."

Ballot No. 93, on face. "Thomas Francis." Lists correspond "Congress. James B. Reilly."

Ballot No. 41, on face. "Martin McCue." On certified list, "Martin McUa," and reads: "Congress, James B. Reilly."

Ballot No. 44, on face. "Andy Healy." On certified list, "Andrew Heally." "Congress, James B. Reilly."

(Ballot No. 87 should read, "marked on face of ticket," instead of on "back," as shown in the record of said ballot on the preceding page.)

Ballot No. 81, on back of ticket. "Harey Mills." On certified list, "Henry Mills." "Congress, James B. Reilly."

Ballot No. 79, on face. "Own McLean," on list of voters. On certified list, Owen McLain." "Congress, James B. Reilly."

Ballot No. 28 (figure 2 not very plain), marked on the face. "Michael Munley." On list of voters and on certified list, "Michael Munnelly." And ballot reads: "Congress, James B. Reilly."

As nearly as I can tell, the number of this ballot is 28; there is no other ballot among them numbered "28."

Cross-examined:

The box we have been taking these ballots from was sealed with paper pasted over it, and it was marked, "East Butler Township." There were no names upon it.

The foregoing testimony relating to Kline and East Butler Townships, incumbent's counsel requests to have struck out from the record, because it is not covered by the offer of contestant's counsel, who proposed simply to examine the ballot-box of Rahn Township, and should have confined the examinations to that township.

Counsel for contestant replies that in his first proposition to have the commissioner open the ballot-box, he called for the box of Rahn Township because he could not call for all of them at once that he continued to call for other boxes in the order which he did, for the same purpose as he did in the case of the Rahn Township box. That the boxes were called and opened in pursuance of the proposition to have the boxes examined, and the counsel for incumbent waived all objections by not objecting to it at the time. The boxes alluded to were offered for the purpose of showing how the illegal voters had cast their votes for the office of Congress, and now asks the commissioner to open the ballot-box of the east ward of the borough of Tamaqua for the same purpose that the box of Rahn, Kline, and other townships were opened, to wit, to ascertain for whom the persons who voted illegally voted for for Congress.

Counsel for incumbent objects to the proposed proceeding, for the reason that no notice whatsoever thereof has been given to the incumbent or his counsel, and for the various other reasons which were stated when the proposition to open the ballot-box of Rahn Township was under consideration.

A. B. Cochran still continued—"in-chief"—and the counsel for incumbent continues his objection heretofore made against Mr. Cochran being a witness, because his name is not included upon any of the notices heretofore served upon the incumbent or any of his counsel, and renews the request for the production of the notice under which Mr. Cochran is called, if any, and protests against further proceedings until such notice is produced.

Counsel for contestant here states that he has not now the notice here to show whether the said Cochran was included in the list of witnesses to the notices served upon incumbent or his counsel. His impression is that his name does appear in the list, as it was intended to have examined him upon another matter involved in this contest; but counsel for contestant submits that Mr. Cochran does not come under the head of witnesses for which the incumbent must have notice of, for the reason that he is appointed here by the commissioner taking this testimony for the purpose of assisting him in dissecting the ballots called for, and state their contents, that they may be reduced to writing.

Ballot-box of east ward of Tamaqua now produced. The box is marked "J. H. Lutz, judge; Adam Storich, E. M. Whetstone, inspectors;" and is marked in another place "J. H. Lutz, A. Storch, E. M. Whetstone;" also, has tickets marked "State and county" pasted on the back end of it.

I find a list of voters marked "November 7, election, 1876," on the inside. List of voters who voted in the east ward, borough of Tamaqua, Schuylkill County, Pennsylvania, and numbered from "1" to "355," inclusive. Then follows a note: "Less 1, John Sharpp, No. 125; leaving 354 votes polled." And that corresponds with the certified list of Thos. F. Kerns, prothonotary, of the voters of that ward, both as to the number of voters and the note that follows, except that the name is spelled "John Shamp" on the certified list.

Ballot No. 328, marked on face. "Pat Lafferty." Lists correspond. "Congress, James B. Reilly."

Ballot No. 324, marked on face (ticket torn, but shown to be the same ticket; the string is, however, through both parts). "George Hoffman." On the certified list it is, "Geo.," and ballot reads: "For Congress, James B. Reilly."

Ballot No. 308, marked on face. "Ed. Brenan," but on the certified list, "Edward Brennan." Reads: "For Congress, James B. Reilly."

(Counsel for incumbent declines to cross-examine. Counsel for contestant now proposes to call for the opening of the box of North Butler, for the same purpose as before, viz, the opening and counting of the ballots—for the examination of the illegal ballots cast for the purpose of ascertaining for whom they were cast for Congress.

Counsel for incumbent objects for the various reasons heretofore stated, and protests against further proceedings in the premises.)

This box was just now sent up from the prothonotary's office. It was sealed and marked "General election, 1876." I find in it a book marked "General November 7 election, 1876; list of voters who voted in North Butler Township, Schuylkill County, Pennsylvania." The number of voters upon this list is 189.

(Witness shown certified list of voters for same election-district.)

It compares exactly with the list in the box.

Ballot No. 173, on outside of ticket. "Martin O'Neal," but "Martin O'Neil" on the certified list. Reads: "Congress, James B. Reilly."

Ballot No. 176, on face. "James Rowland." Lists correspond. "Congress, James B. Reilly."

Ballot No. 189, on face. "Thomas Joyce." Lists correspond. "Congress, James B. Reilly."

Ballot No. 109, on face. "Jams. O'Neal." On certified list, "James O'Neill," and ballot reads, "Congress, James B. Reilly."

Ballot No. 94, on face. "Wm. Goff, sr." On the certified list, "William Goff, sr." "Congress, James B. Reilly."

Ballot No. 110, on face. "Michael Healey," but on certified list, "Michael Healy." "Congress, James B. Reilly."

Ballot No. 28, on face of ticket. "Mike Lenahan." On certified list, "Michael Lenahan." Ballot reads: "Congress, James B. Reilly."

Ballot No. 58, on back of ticket. "Tim Brennen." On the certified list, "Timo Brennan." Ballot reads: "Congress, James B. Reilly."

Ballot No. 55, on face. "Wm. Goff. jr.," but on certified list reads "William Goff, jr." "Congress, James B. Reilly."

Ballot No. 44, on face. "James Lynch." Lists correspond. "Congress, James B. Reilly."

Ballot No. 43, on back. "Pat Sweeny," but on the certified list "Patrick Sweeny." "Congress, James B. Reilly."

Ballot No. 122, on the face. "Pat McCormick." "Patrick McCormick" on the certified list, and marked in pencil No. 2. Ballot reads: "Congress, James B. Reilly."

Ballot No. 130, on the back. "Lawrence Casey." Lists correspond. "Congress, James B. Reilly."

Ballot No. 136, on back. "Thomas Ferguson." Lists correspond. "Congress, James B. Reilly."

Counsel for incumbent declines to cross-examine.

Contestant's counsel now asks that ballot-box for Blythe Township be opened, and tickets examined for the same purposes that preceding boxes were opened and examined.

Counsel for the incumbent objects to the proposed proceeding because of want of notice and want of authority, and the various other reasons heretofore stated.

The box is opened, and Mr. Cochran continues: This box is for the township of Blythe, and contains a list headed, "State and County Election, 1876. List of voters who voted in the township of Blythe, Schuylkill County, Pennsylvania, November 7, '76." Contains the names of 134 voters, and corresponds with the list from the prothonotary's office. (Witness shown list.) This list has the proper seal, and is signed "Thos. F. Kerns, prothonotary." It has the same number of voters as the list of voters.

Ballot No. 31, on face. "Pat Welsh," but on certified list, "Patrick Walsh." "Congress, James B. Reilly."

Ballot No. 70, on face. "James Fisher." Lists correspond. "Congress, James B. Reilly."

Ballot No. 100, on face. "Thomas Welsh." On certified list, "Thomas Walsh," and reads: "Congress, James B. Reilly."

Ballot No. 45, on face. "Michael Dooly;" but on certified list, "Michael Dooley." "For Congress, James B. Reilly."

Ballot No. 73, on face. "Pat Whalen;" but on certified list, "Patrick Whelan." "Congress, James B. Reilly."

Ballot No. 49, on face. "Bernard Dougherty." Lists correspond. "For Congress, James B. Reilly."

Ballot No. 133, on face. "Michael Whalin." On certified list, "Michael Whalen." "Congress, James B. Reilly."

Ballot 120, on face. "Pat Carlin." On certified list it is "Patrick Carlon." "Congress, James B. Reilly."

Ballot No. 92, on face. "Richard Edwards." Lists correspond. "Congress, James B. Reilly."

Ballot No. 69, on face of ticket. "Daniel Donahou." On the certified list, "Daniel Donahoe," and reads: "For Congress, James B. Reilly."

Ballot No. 46, on face. "James Obryne;" but on the certified list, "James O'Brine." "For Congress, James B. Reilly."

Ballot No. 33, on face. "John Miner," Lists correspond. "For Congress, James B. Reilly."

Ballot No. 124, on face. "John Haughney." Lists correspond, and reads: "Congress, James B. Reilly."

Ballot No. 109, on face.' 'Wm. Obryne." On certified list, "William" O'Brine." "Congress, James B. Reilly."

Ballot No. 83, on face. "Edw. Fogarty;" but on the certified list, "Edward Fogarty," and reads: "For Congress, James B. Reilly."

No. 104, on face. "James Magee." On the certified list it is "James McGee," and reads: "For Congress, James B. Reilly."

No. 24, on face. "Pat Canfield." Upon the certified list it is "Pat Cantfield," and reads: "For Congress, James B. Reilly."

No. 106, on face, "Wm. Armstrong." "William" written out in full the certified list, and reads: "For Congress, James B. Reilly."

Ballot No. 21, on face. "Edward Fogarty." Lists correspond. "For Congress, James B. Reilly."

Ballot No. 37, on face. "Wm. Martin." On certified list, "William" written out. "Congress, James B. Reilly."

Ballot No. 61, on face. "John Whalen;" but on the certified list it is "John Whelan." "Congress, John B. Reilly."

Ballot No. 26, on face. "Pat O'Connell." Lists correspond. "For Congress, James B. Reilly."

Ballot No. 96, on face. "John Kieff." On the certified list, "John Keiffe," and reads: "Congress, James B. Reilly."

Ballot No. 131, on face. "James Butler." Lists correspond. "Congress; James B. Reilly."

Ballot No. 42, on face. "Michael Obryne" on list of voters; "Michael O'Brine" on the certified list, and reads: "Congress, James B. Reilly."

Ballot No. 81, on face. "James Doyle." Lists correspond. "Congress, James B. Reilly."

Ballott No. 68, on face. "Pat Johnston." On certified list, "Patrick Johnson." "For Congress, James B. Reilly."

Ballot No. 63, on face. "Daniel Brenan." On certified list, "Daniel Brennan." "For Congress, James B. Reilly."

Ballot No. 71, on face. "Brine Oneill." On certified list, "Bryan O'Neil." "Congress, James B. Reilly."

Ballot No. 62, on face. "Thos. Edwards." On certified list, "Thomas Edwards." "For Congress, James B. Reilly."

Ballot No. 91, on face. "James Coyle." Lists correspond. "Congress, James B. Reilly."

Ballot No. 43, on face. "Bernard Keiff." On certified list, "Bernard Keeffe;" and reads: "For Congress, James B. Reilly."

Ballot No. 117, on face. "Edw. Kane." On certified list, "Edward Kane." "Congress, James B. Reilly."

Ballot No. 29, on face. "John Dougherty." Lists correspond. "For Congress, James B. Reilly."

Ballot No. 74, on face. "Wm. Lawler." On certified list, "William Lawler." "Congress, James B. Reilly."

Ballot No. 102, on face. "Denis Hede." On certified list, "Denis Head. "Congress, James B. Reilly."

Ballot No. 89, on face. "Miles Finley." On certified list, "Peter Boran."

Ballot No. 60, on face. "Wm. Curry." On certified list, "William" written out in full. "For Congress, James B. Reilly."

Ballot 125, on face. "Pat Magee." On certified list, "Patrick McGee." "Congress, James B. Reilly."

No. 19, on face. "John Ross." Lists correspond. "Congress, James B. Reilly."

I find the oath of officers in the box to show William Armstrong, sworn as judge; Thomas Martin, sworn as inspector; Richard Coogan, sworn as inspector; Hugh McGettigan, sworn as clerk; John Larkin, sworn as clerk.

Counsel for incumbent declines to cross-examine.

Counsel for contestant now calls for the opening of the election-box of West Mahanoy Township, for the purpose of examining the tickets therein cast by illegal voters, for the same purpose as in the preceding cases.

Counsel for incumbent objects to the proposed proceeding, for the various reasons heretofore stated; and also for the further reason, which

is intended to cover this and the preceding as well as any subsequent cases, that the alleged illegality of the voters has not been made to appear nor passed upon by any competent tribunal, and that the testimony concerning any such illegality should be present when the votes are examined.

Mr. Schalck, attorney for incumbent, withdraws that part of the objection relating to the absence of testimony, as it appears that it is here, although not indexed, and the counsel for incumbent, now present, not having been present at the examination of these witnesses, the "notes of testimony" now present are a sealed book to him.

Ballot No. 66, on face. "Mich'l Monaghen." On certified list, "Michael Monahan." "Congress, James B. Reilly."

I find this in a book marked on the outside "No. 1. H. K. Weston, *N. P.*"; and on the inside, "November 7, Election 1876. List of voters who voted in West Mahanoy Township, Schuylkill County, Pennsylvania."

Contestant's counsel here again offers in evidence the list of voters which P. W. Kiefaber, a witness called at the commencement of the taking of this testimony at Shenandoah, and which was then offered in evidence, and is marked "Exhibit No. 1, H. K. Weston, *N. P.*," for the purpose of showing that that is the tally-list belonging to the West Mahanoy Township box.

Incumbent objects as not coming from the proper custodian or place, nor proved by a proper officer, Mr. Kiefaber having, according to his own testimony, not been an officer at said election, but only the clerk of the officer. That said book should have been filed after the election, or as soon thereafter as possible, in the office of the prothonotary of Schuylkill County, and does not now come from the place where it should be.

I find the affidavit of the election-officers to be as follows (as taken from this box):

James Donaldson, sworn as judge.
Austin Bradshaw, sworn as inspector.
John Jarvis, sworn as inspector.
P. W. Kiefaber, sworn as clerk.
Patrick Noon, sworn as clerk.

Those are the sworn officers of West Mahanoy Township, according to this certificate.

No. 35, on face. "Patrick Dane." On certified list, "Patrick Deane." "Congress, James B. Reilly."

Ballot No. 74, on face. "Thomas Kelley." Lists correspond. "Congress, James B. Reilly."

No. 103, on back of ticket. "Mich'l Noon, 1" (meant for No. 1). On certified list, "Michael Noone." "Congress, James B. Reilly."

Ballot No. 99, on face. "James Nolan" on list of voters; on certified list, "James Noland." "Congress, James B. Reilly."

Ballot No. 83 on face. "Mart. Hoban." On certified list, "Martin Hobin." "Congress, James B. Reilly."

No. 93, on face. "Terrence Dane." On certified list, "Terrence Deane." "Congress, James B. Reilly."

Ballot No. 119, on face. "Ant. Crane." On certified list, "Anthony Crane." "Congress, James B. Reilly."

Ballot No. 216, on face. "Thos. Flannegan." On certified list of prothonotary, "Thoma Flanigan." "Congress, James B. Reilly."

No. 115, on face. "Mich'l Noon, No. 3." On certified list it is "Michael Noone, 3d." "Congress, James B. Reilly."

Ballot No. 87, on face. "James Dixon, No. 2." On certified list it reads: "James Dixon." "Congress, James B. Reilly."

Ballot No. 159, on face. "Patr. Dane." On certified list, "Patrick Deane, 1, tax." "Congress, James B. Reilly."

Ballot No. 217, on face. "Mart. Burns, tax." On certified list, "Martin Burns, tax." "Congress, James B. Reilly."

Ballot No. 202, on face. "Bryan Mcavoy, tax." On certified list, "Bryan McAvoy, tax." "Congress, James B. Reilly."

Ballot No. 155, on face. "Jas. Cosgrove, tax." On certified list it is, "James Cosgrew, tax." "Congress, James B. Reilly."

No. 211, on face. "Jno. Flannegan, tax." On certified list, "John Flanigan, tax." "Congress, James B. Reilly."

No. 150, on face. "Ant. Mcentyre, tax." On certified list, "Anthony McEntyre, tax." "Congress, James B. Reilly."

No. 158, on face. "Patr. Cuff, tax." On certified list, "Patrick Cuff." "Congress, James B. Reilly."

No. 145, on face. "Mich'l Noon, No. 2, tax." On certified list, "Michael Noone, 2, tax." "Congress, James B. Reilly."

No. 213, on face. "Pat. McDonnell, tax." On certified list, "Patrick McDonald, tax." "Congress, James L. Nutting."

No. 241, on face. "Mich'l Groody, tax." On certified list, "Michael Grudy, tax." "Congress, James B. Reilly."

No. 398, on face. "Peter Gilroy, tax." Lists correspond. "Congress, James B. Reilly."

No. 251, on face. "Jerry Curren, tax." On certified list, "Germia Curran, tax." "Congress, James B. Reilly."

No. 245, on face. "Thos. Murphy, tax." On certified list, "Thomas Murphy, tax." "Congress, James B. Reilly."

No. 269, on face. "Pat. Dane, No. 3, tax." On certified list, "Patrick Deane, 3, tax." "Congress, James B. Reilly."

No. 200, on face. "Pat. Brennan, tax." On certified list, "Patrick Brennan, tax." "Congress, James B. Reilly."

No. 403, on face. "Rich. Golden, tax." On certified list, "Richard Golden, tax." "Congress, James B. Reilly."

No. 400, on face. "Mich'l McGrah, tax." On certified list, "Michael McGrath, tax." "Congress, James B. Reilly."

No. 410, on face. "Sam'l Mitchell, tax." On certified list, "Samuel Mitchell, tax." "Congress, James B. Reilly."

No. 230, on face. "Ant. Coyle, tax." On certified list, "Anthony Coyle, tax." "Congress, James B. Reilly."

No. 402. "Hugh Cafferty, tax." Lists correspond. "Congress, James B. Reilly."

No. 254, on face. "Jas. Dixon, No. 1, tax." On certified list, "James Dixon, 1st, tax." "Congress, James B. Reilly."

No. 128, on face. "Patr. Welsh, tax." On certified list, "Patrick Walsh, tax." "Congress, James B. Reilly."

No. 276, on face. "Patr. Murphy, age." On certified list, "Patrick Murphy, age." "Congress, James B. Reilly."

No. 239, on face. "Pat. Flannery, tax." On certified list, "Patrick Flannery, tax." "Congress, James B. Reilly."

No. 172, on face. "Terran McGuire, tax." On certified list, "Terrence McGuire, tax." "Congress, James B. Reilly."

No. 59, on face. "Ant. Mclaughlin, tax." On certified list, "Anthony McLaughlin, tax." "Congress, James B. Reilly."

No. 53, on face. "Michael Dane, No. 1, tax." On certified list, "Michael Deane, 1st, tax." "Congress, James B. Reilly."

No. 113, on face. "John Purcell, '74, tax." On certified list, "John Purcell, tax." "Congress, James B. Reilly."

No. 165, on face. "Ant. Dixon, No. 1, tax." On certified list, "Anthony Dixon, tax." "Congress, James B. Reilly."

No. 109, on face. "Patrick Mooney, tax." Lists correspond. "Congress, James B. Reilly."

No. 148, on face. "Dennis Curduff, tax." On certified list, "Denis Curduff, tax." "Congress, James B. Reilly."

No. 82, on face. "Edwar. Herrity, tax." On certified list, "Edward Hereghty, tax." "Congress, James B. Reilly."

No. 236, on face. "Ant. Flannery, tax." On certified list, "Anthony Flannery, tax." "Congress, James B. Reilly."

No. 129, on face. "Jno. M. Delaney, tax." On certified list, "John M. Delaney, tax." "Congress, James B. Reilly."

No. 306, on face. "Patr. Dane, No. 4, tax." On certified list, "Patrick Deane, No. 4, tax." "Congress, James B. Reilly."

No. 283, on face. "Jno. Cummings, tax." On certified list, "John Cummings, tax." "Congress, James B. Reilly."

No. 235, on face. "Ant. Dunlavey, tax." On certified list, "Anthony Dunlavey, tax." "Congress, James B. Reilly."

No. 325, on face. "Mart. Kilroy, tax." On certified list, "Martin Gilroy, tax." "Congress, James B. Reilly."

No. 321, on face. "Mich'l Dane, tax." On certified list, "Michael Deane, tax." "Congress, James B. Reilly."

No. 152, on face; "Pat. McLean, tax." On certified list, "Patrick McLain, tax." "Congress, James B. Reilly."

No. 196, on face. "Peter Motz, tax." Lists correspond. "Congress, James B. Reilly."

No. 212, on face. "Mich'l Coyle tax." On certified list, "Michael Coyle, tax." "Congress, James B. Reilly."

No 255, on face. "Jas. Costello, tax." On certified list, "James Castello, tax." "Congress, James B. Reilly."

No. 420, on face. "Thos. Smith, tax." On certified list, "Thomas Smith, tax." "Congress, James B. Reilly."

No. 317, on face. "Ant. O'Donnell, tax." On certified list, "Anthony O'Donald, tax." "Congress, James B. Reilly."

No. 308, on face. "John Dunlavey, tax." On certified list, "John Deulaby, tax." "Congress, James B. Reilly."

No. 330, on face. "Wm. Mclaughlin, tax." On certified list, "Wm. McLoaghlin, tax." "Congress, James B. Reilly."

No. 341, on face. "Thos Gaughen, tax." On certified list, "Thomas Gauger, tax." "Congress, James B. Reilly."

No. 338, on face. "Luke Brennan, tax." Lists correspond, "Congress, James B. Reilly."

No. 366, on face. "Mich'l Mack, tax." On certified list, "Michael Mack, tax." "Congress, James B. Reilly."

No. 348, on face. "Mich'l Cardiff, tax." On certified list, "Michael Carduff, tax." "Congress, James B. Reilly."

No. 341, on face. "Pet. McKernan, tax." On certified list, "Peter McCurran, tax." "Congress, James B. Reilly."

No. 357, on face. "Thos. Mclaughlin, tax." On certified list, "Thomas McLoughlen, tax." "Congress, James B. Reilly."

No. 405, on face. "Pat. Lenahan, tax." On certified list, "Pat'k Lanighan, tax." "Congress James B. Reilly."

No. 363, on face. "Pat. Tobin, tax." On certified list, "Pat'k Tobin, tax." "Congress, James B. Reilly."

No. 375, on face. "Mich. Maloney." On certified list, "Michael Maloney." "Congress, James B. Reilly."

No. 381, on face. "Henry Cook, tax." Lists correspond, "Congress, James B. Reilly."

No. 380, on face. "James Monaghen, tax." Certified list, "James Monaghen, (correspond.) tax." "Congress, James B. Reilly."

No. 404, on face. "Ed. Munley, tax." On certified list, "Edward Munley, tax." "Congress, James B. Reilly."

No. 416, on face. "Jas. Groody, tax." On certified list, "James Groodey, tax." "Congress, James B. Reilly."

Ballot No. 435, on face. "Patr. Noon, tax." On certified list, "Patrick Noone, tax." "Congress, James B. Rielly."

Ballot No. 434, on face. "Cornel O'Donnell, tax." On certified list, "Con. O'Donald, tax. "Congress, James B. Reilly."

Ballot No. 414, on face. "Michl. McGuire, tax." On certified list, "Michael McGuire, tax." "Congress, James B. Reilly."

Ballot No. 439, on face. "Michael O'Malley, tax." Lists correspond. "Congress, James B. Reilly."

Ballot No. 434, on face. "Mich'l O'Neil, tax." On certified list, "Michael O'Neil, tax." "Congress, James B. Reilly."

Ballot No. 413, on face. "John Leonard, tax." Lists correspond. "Congress, James B. Reilly."

Ballot No. 442, on face. "John Burke, No. 1, tax." On certified list, "No. 1" omittted. "Congress, James B. Reilly."

Ballot No. 441, on face. "Mich'l O'Malley, tax." On certified copy, "Michael O'Malley, tax." "Congress, James B. Reilly."

Ballot No. 295, on face. "Mich'l Canfield, tax." On certified list, "Michael Cawfield, tax." "Congress, James B. Reilly."

Ballot No. 154, on face. "John Burke, sr., tax." On certified list, "sen'r, tax." "Congress, James B. Reilly."

Ballot No. 344, on face. "Mich'l Burns, tax." On certified list, "Michael Burns, tax." "Congress, James B. Reilly."

Ballot No. 336, on face. "Mich'l O'Boyle, No. 2, tax." On certified list, "Michael O'Boyle, 2, tax." "Congress, James B. Reilly."

Ballot No. 310, on face. "Patr. McDonnel, tax." On certified list, "Patrick McDonald, tax." "Congress, James B. Reilly."

Ballot No. 406, on face. "Pat. McGrah, tax." On certified list, "Patk. McGrath, tax." "Congress, James B. Reilly."

Ballot No. 188, on face. "Fr. Garvey, tax." On certified list, "Frank Garvey, tax." "Congress, James B. Reilly."

Ballot No. 167, on face. "Wm. Hawkins, tax." On certified list, "William Harkins, tax." "Congress, James B. Reilly."

Ballot No. 365, on face. "Jno. Nash, 74, tax." On certified list, "John Nash, tax." "Congress, James B. Reilly."

Ballot No. 65, on face. "James Murphy, tax." Lists correspond. "Congress, James B. Reilly."

Ballot No. 73, on face. "Patr. Mclaughlin, tax." On certified list, "Patrick McLoughlin, tax." "Congress, James B. Reilly."

Ballot No. 68, on face. "Thomas B. Mclaughlin, tax." On certified list, "Thomas B. McLoughlin, tax." "Congress, James B. Reilly."

Ballot No. 61, marked on face. "Richard Murphy, tax." The list of voters and certified list corresponds. Reads: "Congress, James B. Reilly."

Ballot No. 397, marked on back of ticket. "Thos. Costello, tax," on list of voters. "Thomas Castello, tax," on certified list of voters. Reads: "Congress, James B. Reilly."

(Incumbent's counsel declines to cross examine.)

A. B. COCHRAN.

Sworn and subscribed before me this 12th day of February, A. D. 1877.

H. K. WESTON, *Notary Public.*

Contestant offers in evidence certified copy of the "general certificate of result" of the election of member of Congress in the thirteenth Congressional district for Pennsylvania, held on the seventh day of November, A. D. 1876. Exhibit Q.

Also, certified copy of the tabular statement, showing the vote for member of Congress of the election held 7th November, 1876, in the county of Schuylkill, by townships and districts. Exhibit R.

Also, certified copy of the list of voters of Blythe Township, in the county of Schuylkill, at the election held November 7, 1876. Exhibit S.

Also, certified copy of the list of voters of North Butler election-district, in the county of Schuylkill, at the election held November 7, 1876. Exhibit T.

Also, certified copy of the list of voters of East Butler election-district, in the county of Schuylkill, at the election held November 7, 1876. Exhibit U.

Also, certified copy of list of voters of South Butler election-district in said county of Schuylkill, at the election held November 7, 1876. Exhibit V.

Also, certified copy of list of voters of North Cass election district, in said county of Schuylkill, at the election held November 7, 1876. Exhibit W.

Also, certified copy of list of voters of South Cass election-district, in said county of Schuylkill, at the election held November 7, 1876. Exhibit X.

Also, certified copy of list of voters of middle ward of Gilberton election-district, in said county of Schuylkill, at the election held November 7, 1876. Exhibit Y.

Also, certified copy of list of voters of Kline Township election-district, in said county of Schuylkill, at the election held November 7, 1876. Exhibit Z.

Also, certified copy of list of voters of West Mahanoy Township election-district, in said county of Schuylkill, at the election held November 7, 1876. Exhibit A A.

Also, certified copy of the list of voters of North Manheim Township election-district, in said county of Schuylkill, at the election held 7th November, 1876. Exhibit B B.

Also, certified copy of the list of voters of the north ward of the borough of Pottsville, in the county of Schuylkill, at the election held November 7, 1876. Exhibit C C.

Also, certified copy of list of voters of Rahn Township election-district, in the county of Schuylkill, at the election held November 7, 1876. Exhibit D D.

Also, certified copy of list of voters of west ward of the borough of Schuylkill Haven, in the county of Schuylkill, at the election held 7th November, 1876. Exhibit E E.

Also, certified copy of list of voters of first ward of borough of Shenandoah, in the county of Schuylkill, at the election held November 7, 1876. Exhibit F F.

Also, certified copy of the list of voters of fourth ward of borough of Shenandoah, in the county of Schuylkill, at the election held 7th November, 1876. Exhibit G G.

Also, certified copy of the list of voters of fifth ward of the borough of Shenandoah, at the election held 7th November, 1876. Exhibit H H.

Also, certified copy of list of voters of the north ward of borough of Tamaqua, at the election held 7th November, 1876. Exhibit I I.

Also, certified copy of the list of voters of east ward of the borough of Tamaqua, at the election held November 7, 1876. Exhibit J J.

Also, certified copy of the list of voters of the south ward of the borough of Tamaqua, at the election held November 7, 1876. Exhibit K K.

Also, certified copy of return of unpaid county and State taxes of Blythe Township, in the county of Schuylkill, for the year 1874, showing the names of persons returned by the tax-collector to the county commissioners who had not paid their State and county taxes. Exhibit L L.

Also, certified copy of return of unpaid State and county taxes of Blythe Township, in the county of Schuylkill, for the year 1875, showing the names of persons who had not paid their State and county taxes for the year 1875, and returned by the tax-collector to the county commissioners. Exhibit M M.

Also, certified copy of return of unpaid State, county, and building taxes, of Blythe Township, in the county of Schuylkill, for the year 1876, showing the names of persons who had not paid their State and county taxes for the year 1876, and returned by the tax-collector to the county commissioner. Exhibit N N.

Also, certified copy of returns of unpaid State and county taxes of Butler Township, in the county of Schuylkill, for the year 1874, showing the names of persons who had not paid their State and county taxes for the year 1874, and returned by the tax-collector to the county commissioners. Exhibit O O.

Also, certified copy of return of unpaid State and county taxes of Butler Township, in the county of Schuylkill, for the year 1875, showing the names of persons who had not paid their State and county taxes for the year 1875, and returned by the tax-collector to the county commissioners. Exhibit P P.

Also, certified copy of the return of unpaid county, State, and building taxes of Butler Township, for the year 1876, &c. Exhibit Q Q.

Also, certified copy of the return of unpaid county and State taxes for Kline Township, for the year 1874, &c. Exhibit R R.

Also, certified copy of the return of unpaid county and State taxes for Kline Township, for the year 1875, &c. Exhibit S S.

Also, certified copy of the return of unpaid county and State taxes for Kline Township, for the year 1876, &c. Exhibit T T.

Also, certified copy of the return of unpaid county and State taxes for Mahanoy Township, for the year 1874, &c. Exhibit U U.

Also, certified copy of the return of unpaid county and State taxes for West Mahanoy Township, for the year 1875, &c. Exhibit V V.

Also, certified copy of the return of unpaid county, State, and building taxes for West Mahanoy Township, for the year 1876, &c. Exhibit W W.

Also, certified copy of the return of unpaid county and State taxes for Norwegian Township, for the year 1874, &c. Exhibit X X.

Also, certified copy of the return of unpaid county and State taxes for Norwegian Township, for the year 1875, &c. Exhibit Y Y.

Aiso, certified copy of the return of unpaid county, State, and building taxes for Norwegian Township, for the year 1876, &c. Exhibit Z Z.

Also, certified copy of the return of unpaid county and State taxes for East Norwegian Township, for the year 1874, &c. Exhibit A A A.

Also, certified copy of the return of unpaid county, State, and building taxes for East Norwegian Township, for the year 1875, &c. Exhibit B B B.

Also, certified copy of the return of unpaid county and State taxes for Rahn Township, for the year 1874, &c. Exhibit C C C.

Also, certified copy of the return of unpaid county and State taxes for Rahn Township, for the year 1875, &c. Exhibit D D D.

Also, certified copy of the return of unpaid State, county, and building taxes for Rahn Township, for the year 1876, &c. Exhibit E E E.

Also, certified copy of the proceedings of the court of quarter-sessions of the peace in and for the county of Schuylkill, in the matter of the division of Mahanoy Township, and the formation of West Mahanoy Township. Exhibit F F F.

Also, certified copy by the clerk of the district court of the United States for the eastern district of Pennsylvania of a petition of James L. Nutting, praying an order upon parties having custody of certain ballot-boxes and their contents, for the production of the same before John P. Hobart, esq., register in bankruptcy; also, of a similar petition addressed to the said register, with his reference of the same to the judge of said district court. Exhibit G G G.

Also, certified copy by the clerk of the district court of the United States for the eastern district of Pennsylvania of the nomination, recommendation, and appointment of John P. Hobart, esq., as register in bankruptcy. Exhibit H H H.

Also, certified copy of the commission, bond, and oath of office of H. K. Weston, notary public. Exhibit I I I.

Also, certified copy of the commission, bond, and oath of office of Seth W. Geer, esq., notary public. Exhibit J J J.

Also, certified copy of the commission, bond, and oath of office of Theodore P. Trayer, notary public. Exhibit K K K.

Also, certified copy of the commission, bond, and oath of office of John C. Conrad, notary public. Exhibit L L L.

Also, certified copy of the opinion of Hon. John Cadwalader, judge of the district court of the United States for the eastern district of Pennsylvania, in the matter of the petition of James L. Nutting for an order on custodians of ballot-boxes to produce the same. Exhibit M M M.

Also, notice from contestant to respondent of intention to apply to House of Representatives of Forty-fifth Congress to extend the time for taking testimony of the contestant. Exhibit N N N.

Also, the record of the court of common pleas of Schuylkill County in the matter of the application for an order to produce the ballot-boxes of the various election-districts in the county of Schuylkill of the election held November 7, 1876, and the several orders of said court made therein, as well as the order of the said court directing said ballot-boxes to be placed in the custody of its prothonotary. Exhibit O O O.

Counsel for contestant calls for North Cass Township ballot-box to be opened, for the purpose of examining the tickets therein cast by illegal voters, and for the same purpose as in the preceding case.

The counsel for incumbent objects to the further examination in this case, because the forty days allowed contestant in which to take testimeny have expired.

Counsel of contestant replies: That when counsel of incumbent withdrew, claiming that the period allowed by act of Congress to contestant in which to take his testimony had expired, we were in the midst of the examination of the ballots in the several election-boxes now present,

especially that of North Cass, which was just about being opened; therefore we claim the right to proceed with the examination of said box, as well as the remaining boxes of the election-districts in which the said illegal votes were cast, are now deposited in the boxes present.

Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, in whose custody the said ballot-box of North Cass is now placed, as well as the other boxes remaining unexamined, and who was present by the order of the court of common pleas of Schuylkill County as custodian of those boxes, now demands, claims, and takes possession of the box and boxes, and thereby prevents the further examination of the ballots therein contained.

Contestant offers in evidence the ballots in the ballot-box of South Cass election-district cast at the general election in said election-district held on the 7th day of November, 1876, by the persons whose names are hereinafter given, and who voted illegally, together with the list of voters containing the names of said illegal voters. This for the purpose of showing for whom the said illegal voters cast their said ballots for member of Congress at said election.

This offer is made notwithstanding the fact that the ballots and list of voters are not produced and actually exhibited here, because William McHale, the custodian of the ballot-box, was served with the proper subpœna (*subpœna duces tecum*) to produce the same, and had brought the same in pursuance of said subpœna, and had it at the court-house, as ordered by the court of common pleas of Schuylkill County, but afterward carried the same back to his home, and refused to give it up or produce the same in person before this commissioner, to wit:

In South Cass election district of said county.

No. on list of voters.		No. on list of voters.	
261	Charles Quinn	27	Owen McCormick
231	Michael Daley	143	Patrick Pendergast
3	James Butler	75	Patrick Gannon
25	Owen Reilly	184	John Phillips
150	Joseph Duff		Martin Cloon
65	Patrick Dougherty	229	Michael Gavin, jr.
2	John Leibach	23	James Connery
229	Michael Gavin, sr.	42	William Lynch
243	Michael Dormer	65	Patrick Laughton, 1st
210	John F. Gallagher	111	John McMichael
187	Anthony Carroll	152	Michael Donohoe
17	William McHale	232	Matthew Quinn
175	Patrick Haley	6	Nicholas Leibach
66	Francis Gallagher, jr.	163	Patrick Coyle
62	Martin Clancey	154	Daniel McMichael
78	Patrick Dunlavey	89	James O'Leary
164	James Dougherty	166	Charles Zuppert
218	James Doyle	240	Dennis Doyle
246	Frank Gordon	264	Edward Houghney
250	Patrick Canfield	108	Thomas O'Toole
242	James Lynch	176	James Daniels
212	Patrick Gannon	89	Jas. Leary
186	John Kelly		James Moore
40	William Dormer	56	James Fadden
213	Michael Gannon	61	Wm. Cook

No. on list of voters.	
201 or 119	Michael Kelly, jr.
186	John Kelly
	Patrick McHale
50	Jeremiah Buggy
144	John McNelins
201 or 119	Michael Kelly, long
	John Leary
115	John McKeown
	Martin Feeney
203	Patrick Joyce
	Dennis Houghney
280	Richard Fitzpatrick
141	Richard Canfield
137	Michael Feeney, jr.
116	James McKeown
38	John Cochlin
276	Martin Kearney
251	Patrick Hopkins
223	Patrick Harkins
	Anthony Ludden
	Michael Kelly, jr.

The contestant offers in evidence the ballots in the ballot-boxes for the following election-districts, cast at the general election held on the 7th day of November, 1876, by the persons whose names are hereinafter given, and who voted illegally (not being qualified voters), together with the respective lists of voters containing the names of said illegal voters; this for the purpose of showing for whom the said illegal voters cast their said ballots for member of Congress at said election.

This offer is so made without at this time opening said boxes (the boxes being here present), and the ballots and lists examined for the reason that, owing to the objections offered by incumbent's counsel, and the interference of the court of common pleas of Schuylkill County in ordering the said election-boxes to be placed in the court's custody, and thereby robbing the contestant of five hours of the time in which he intended to have had said ballots examined, and a record of the testimony thereof made before the expiration of the period of forty days allowed him for taking his testimony, to wit:

In North Cass election-district of said county.

No. on list of voters.	
86	James Murphy
25	Thomas McGuire
71	Oliver Welsh
50	Edward Delaney
55	James Purcell
	Patrick Adams
138	Thomas B. Brennan
49	John Hughes
96	Patrick McDonald
113	Michael Quinn
	Edward Clancey
108	Richard Hughes
134	William Walsh
74	Edward Stapleton
99	Cornelius Leary
51	James Adams
97	Philip Shore
126	John Horan, jr.
	John Quirk
	Patrick Michael
106	Andrew Foley
83	Bartholomew Callahan
	Martin Cahill
	John Nash
45	James O'Brien
80	P. J. Cavanaugh
	Edward Ryan
	Michael Delaney
131	James Cavanaugh
	Jerry Curren
	John Purcell
26	Michael Brennan
144	Peter McAvoy
57	William Britt
11	John Whalen
	Humphrey Horn
42	William McMurtrie
	Patrick Craney
75	James Nolan
	Owen Smith
	Mathew Cole
	Luke Mohan

In South Butler election-district.

No. on list of voters.		No. on list of voters.	
25	Montgomery Shannon	22	Martin Gill
23	Harry Connors	39	Patrick Mullen

In middle ward, Gilberton.

77	Malachi Farrell	85	J. J. Moyer
36	William Smith	75	John Gannon
59	John C. Murray	39	Philip Haggerty

In first ward, Shenandoah.

41	Thomas Cavanaugh	195	Patrick Ward
95	Anthony Flynn	141	Michael O'Conner
26	James Cain	89	Alexandre Czienski
185	Austin McGrael	194	Michael Cantlin, and
97	Peter Kozakawicz	168	Peter Kirk in fourth ward,
88	Julian Czienski		Shenandoah.
105	Dominick Szymanski		

In north ward, Tamaqua.

123	John McCarron	145	Barney McNelis
116	James Mundy	96	Edward Mundy

In south ward, Tamaqua.

223	Thomas McBreen	126	Patrick Dolan
129	Terence Cunningham	206	Luke McCool

In the middle ward, Ashland.

	Thomas McGrath		P. H. Reynolds
	A. J. Pepper		Patrick Flannery

In east ward, Ashland.

	Charles Grogan.		Anthony Murphy.

In west ward, Schuylkill Haven.

	Edward Brennan.	24	John O'Brien.
46	Patrick Carr.	63	Casper Wehinger.

All interlineations and erasures made in the taking of the testimony on the said 18th, 19th, 20th, 22d, 23d, 24th, 25th, 26th, 27th, 29th, and 30th days of January, A. D. 1877, and on the 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, 10th, and 12th days of February, A. D. 1877, were made at the time and before signing of the respective witnesses.

The ballot-boxes of Rahn Township, East Butler election-district, east ward of the borough of Tamaqua, North Butler election-district, Blythe Township, and West Mahanoy Township, were severally opened by me, and the ballots as recorded were severally examined by me as they were read off by A. B. Cochran, appointed for that purpose. The lists of voters found in the said several ballot-boxes were also examined and compared by me with the certified copy of the list of voters in evidence

and proved to correspond in names of voters and numbers, and I found the names of each voter opposite to the numbers, respectively, in each case, as recorded.

H. K. WESTON,
Notary Public.

Exhibits P P P, Q Q Q, and R R R, hereto annexed, are copies of the subpœnas issued by me and served upon witnesses.

Exhibit S S S, objections of incumbent's counsel, hereto annexed, was handed to me at the close of the testimony.

Exhibit T T T, counsel for contestant's answer to incumbent's counsel's objections.

Exhibit U U U, objections of incumbent's counsel sent me on February 13, 1877, the day after the closing of the testimony.

Exhibits V V V, W W W, X X X, and Y Y Y, are certified copies of returns of unpaid State and county taxes of Cass Township, in Schuylkill County, for the years 1874, 1875, and 1876, respectively, showing the names of persons who had not paid their State and county taxes for the said years, and returned by the tax-collectors to the county commissioners.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Hiram K. Weston, a notary public duly commissioned by the governor of the commonwealth of Pennsylvania, under the laws thereof, in and for the said county of Schuylkill, and residing at Pottsville, in the thirteenth Congressional district of Pennsylvania, before whom the foregoing evidence was taken, do hereby certify that the foregoing testimony is the testimony of the several witnesses produced and examined on the part of the contestant on the several days the examinations bear date; that before said witnesses were examined they were severally sworn; and that the testimony, together with the questions proposed by the agents or attorneys of the parties, were reduced to writing by me, and duly signed by them, respectively, before me; and that the several exhibits hereinbefore referred to, and lettered, and numbered, were severally offered in evidence and hereto attached.

Witness my hand and official seal at Pottsville, in the county of Schuylkill and State of Pennsylvania, this 13th day of February, A. D. 1877.

[SEAL.]

H. K. WESTON,
Notary Public.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

To HIRAM K. WESTON, Esq.,
Notary Public within said District:

The undersigned, the contestant in the above matter, here makes application to you for writ of subpœna, directed to the witnesses to be examined at Shenandoah and Ashland, within said district, in the above matter.

J. L. NUTTING.

POTTSVILLE, PA., *January* 10, 1877.

UNITED STATES OF AMERICA,
State of Pennsylvania, County of Schuylkill, ss:

Andrew B. Cochran and Jesse S. Hawley, being severally duly sworn according to law, say that they will, as clerk and assistants to Hiram K. Weston, esq., notary public in and for said county of Schuylkill, residing within said thirteenth Congressional district of Pennsylvania, before whom the testimony of witnesses is taken in the matter of the contest for a seat in the House of Representatives of the United States of America, of the Forty-fifth Congress, from the said thirteenth Congressional district of Pennsylvania, between James L. Nutting, contestant, and James B. Reilly, incumbent, we will assist in assorting and selecting the ballots cast and deposited in the several election-districts within said Congressional district; that we will faithfully and impartially perform the duties of our appointment; that we will not disclose how any elector may or shall have voted, except as required by the said H. K. Weston, esq.

A. B. COCHRAN.
J. S. HAWLEY.

Sworn and subscribed before me this 12th day of February, A. D. 1877.
H. K. WESTON,
Notary Public.

UNITED STATES OF AMERICA,
State of Pennsylvania, County of Schuylkill, ss:

Charles H. Heitz, being sworn according to law, saith that he will, as clerk and assistant to Hiram K. Weston, esq., notary public in and for county of Schuylkill, residing within said thirteenth Congressional district of Pennsylvania, before whom the testimony of witnesses is taken in the matter of the contest for a seat in the House of Representatives of the United States of America, of the Forty-fifth Congress, from the said thirteenth Congressional district of Pennsylvania, between James L. Nutting, contestant, and James B. Reilly, incumbent, I will assist in assorting and selecting the ballots cast and deposited in the several election-districts within said Congressional district; that I will faithfully and impartially perform the duties of my appointment; that I will not disclose how any elector may or shall have voted, except as required by the said H. K. Weston, esq.

CHARLES H. HEITZ.

Sworn and subscribed before me this 12th day of February, A. D. 1877.
H. K. WESTON,
Notary Public.

EXHIBIT No. 1.—*H. K. Weston, N. P.*

List of voters who voted in West Mahanoy Township, Schuylkill County, Pa., election November 7, 1876.

1 Capt. L. S. Hay, tax.
2 Paul Quick, tax.
3 Thomas Edwards, tax.
4 Thos. I. Williams, tax.
5 H. E. Bensinger, tax.
6 Chas. Hines, tax.
7 Dan'l Cregor, tax.
8 H. I. Bickleman, tax.
9 Samuel Kreysher, tax.
10 Daniel Miller, tax.
11 A. H. Jackson, tax.
12 R. L. Hay, tax.
13 E. H. Kane, age.
14 Frank McGoverin, tax.
15 David Metz, tax.
16 John M. Price, X, tax.

17 Austin Bradshaw, X, tax.
18 Jamas Donaldson, X, tax.
19 S. W. Kiefaler, —, tax.
20 John Geise, tax.
21 T. W. Davis, tax.
22 Geo. W. Johnsen, tax.
23 Wm. W. Lewis, tax.
24 Sam'l Miller, tax.
25 Joseph Kane, tax.
26 David Thompson, X, tax.
27 John J. Jarvis, —, tax.
28 Thos. W. Taylor, X, tax.
29 Patrick Joice, —, tax.
30 Harry Owen, X, tax.
31 Herman Newhouse, X, tax.
32 John Becker, —, tax.
33 John Leap or Loeb, X, tav.
34 Thomas Tweedle, X, tax.
35 Patrick Dane, X, tax.
36 Thomas Tempest, —, tax.
37 Thos. Crosby, —, tax.
38 John Campbell, —, tax.
39 Geo. H. Miller, X, tax.
40 Geo. Armrod, —, tax.
41 Levi Everly, —, tax.
42 John T. Loeb, —, tax.
43 Wm. Roberts, X, tax.
44 David Nicholas, X, tax.
45 A. D. Brown, —, tax.
46 F. E. Bensinger, X, tax.
47 Peter E. Bean, X, tax.
48 Alfred Kiddo, X, tax.
49 Francis Rhoads, age.
50 Geo. Lindermuth, —, tax.
51 Thos. D. Williams, X, '74, tax.
52 Edward Burke, —, tax.
53 Michael Dane, No. 1, X, tax.
54 Thomas H. May, X, tax.
55 H. D. Price, X, tax.
56 Joseph Metz, X, tax.
57 Sam'l R. Broome, —, tax.
58 Ant. Munley, No. 1, X, tax.
59 Ant. McLaughlin, X, tax.
60 John Burns, —, tax.
61 Rickard Murphy, —, tax.
62 John Lynch, —, tax.
63 Patrick Kilcur, No. 1, X, tax.
64 W. H. Heaton, X, tax.
65 James Murphy, —, tax.
66 Michael Monaghen, —, tax.
67 Isaac L. English, X, tax.
68 Thomas B. McLauglin, —, tax.
69 Thomas Brophry, '74, tax.
70 Joseph Griffin, age.
71 John W. Bedford, X, tax.
72 John R. Porter, X, tax.
73 Patr. McLaughlin, —, tax.
74 Thomas Kelly, —, tax.
75 D. P. Brown, —, tax.
76 Joseph Reese, X, tax.
77 Lewis Heebner, age.
78 Andrew Beirman, X, tax.
79 Fred. Beirman, —, tax.
80 Geo. May, X, tax.
81 Michael O'Boyle, X, tax.
82 Edwar. Herrity, —, tax.
83 Mart. Hoban, —, tax.
84 James Herrity, X, tax.
85 Thomas Sykes, X, tax.
86 Owen Monaghen, X, tax.
87 James Dixon, No. 2, X, tax.
88 James Metz, —, tax.
89 Patr. L. Monaghen, —, tax.
90 Patrick Furlong, X, tax.
91 Dan'l Koch, X, tax.
92 Sam'l Smail, X, tax.
93 Terrance Dane, —, tax.
94 Wm. Owen, X. tax.
95 I. D. Ledden, X, tax.
96 Mich'l Malarkey, —, tax.
97 Jos. Korps, X, tax.
98 Jac. Metz, —, tax.
99 James Nolan, X, tax.
100 Dav. Miller, X, tax.
101 Geo. Williams, age.
102 Jas. Heaton, —, tax.
103 Mich'l Noon, No. 1 —, tax.
104 C. H. Smith, X, tax.
105 John McGoverin, age.
106 Jacob Williard, —, tax.
107 John Birkelbach, X, tax.
108 Wm. Franz, X, tax.
109 Patrick Mooney, —, tax.
110 A. H. Kluck, X, tax.
111 James Kelly, X, tax.
112 John Doherty, No. 1, X, tax.
113 John Purcell, '74, tax.
114 Patr. Moran, X, tax.
115 Mich'l Noon, No. 3, —, tax.
116 Frank Geise, age.
117 Geo. Fleigel, age.
118 Mart. Roland, X, tax.
119 Ant. Crane, X, tax.
120 Frank Donahoe, X, tax.
121 Bernard Houser, —, tax.
122 John H. Parrott, X, tax.
123 James Crawford, —, tax.
124 Mich'l Carey, —, tax.
125 Mich'l Kelly, —, tax.
126 John Clarey, —, tax.
127 Jas. Cowden, age.
128 Patr. Welsh, —, tax.

129 Jno. M. Delaney, tax.
130 W. H. Lewis, X, tax.
131 O. A. Keim, X, tax.
132 Edw. Murphy, X, tax.
133 C. W. Newhouser, age.
134 John Higgens, —, tax.
135 Henry Reese, —, tax.
136 Thomas Kennedy, X, tax.
137 Chas. C. Koch, X, tax.
138 Mich'l O'Boyle, X, tax.
139 John Prell, X, tax.
140 Thomas Curley, X, tax.
141 Ed. Housten, X, tax.
142 Bart. Flannery, —, tax.
143 Mat. Shaw, —, tax.
144 Wm. Thickens, X, tax.
145 Mich'l Noon, No. 2, —, tax.
146 Mich'l E. Kelly, —, tax.
147 Patr. Nevin, X, tax.
148 Dennis Curduff, —, tax.
149 Pat. Murphy, X, tax.
150 Ant. McEntyre, X, tax.
151 Jno. Haley, —, tax.
152 Pat. McLean, —, tax.
153 Jno. Carr, X, tax.
154 John Burke, sr., —, tax.
155 Jas. Cosgrove, —, tax.
156 Ant. McLaughlin, sr., X, tax.
157 Mich'l Breslin, —, tax.
158 Patr. Cuff, X, tax.
159 Patr. Dane, —, tax.
160 Edw. Halton, —, tax.
161 Frankl. Eberly, —, tax.
162 Robert Peele, X, tax.
163 Wm. Rowan, X, tax.
164 Chas. Doherty, sr., —, tax.
165 Ant. Dixon, No. 1, —, tax.
166 John Motz, —, tax.
167 Wm. Hawkins, —, tax.
168 Jno. G. Reutzel, new, tax.
169 Jonat. Getling, X, tax.
170 Jno. Stride, X, tax.
171 Rich. Moore, age.
172 Terran. McGuire, —, tax.
173 Wm. B. Green, —, tax.
174 Ben. Sands, X, tax.
175 Jno. C. Green, X. tax.
176 Wm. K. Moyer, —, tax.
177 Jos. Richardson, X, tax.
178 Amt. Clark, —, tax.
179 Dav. P. Griscom, X, tax.
180 Thomas Moore, —, tax.
181 Jno. Lee, —, tax.
182 Ed. T. Davis, X, tax.
183 Geo. Gesford, X, tax.
184 Phil. Holman, X, tax.
185 Sam'l Roberts, X, tax.
186 Jos. Holman, X, tax.
187 Jno. Welsh, —, tax.
188 Fr. Garvey, —, tax.
189 Mich'l Brinin, No. 2, tax.
190 Jno. Connel, —, tax.
191 Francis Doherty, —, tax.
192 Wm. Lawler, —, tax.
193 Jno. Garvey, —, tax.
194 Mich'l Cokeley, —, tax.
195 Thomas McGuire, age.
196 Peter Motz, —, tax.
197 Wm. Morrisen, —, tax.
198 Wm. Howard, X, tax.
199 Mart. Costello, —, tax.
200 Pat. Brennan, —, tax.
201 Owen Clark, —, tax.
202 Bryan McAvoy, —, tax.
203 Jos. Harlowe, —, tax.
204 Wm. Moore, —, tax.
205 Jno. Hope, —, tax.
206 Jas. Hore, X, tax.
207 Jno. Gibbons, X, tax.
208 Ste. Lloyd, X, tax.
209 Jno. Owen, age.
210 Mich'l Donahoe, —, tax.
211 Jno. Flannegan, —, tax.
212 Mich'l Coyle, —, tax.
213 Pat. McDonnell, tax.
214 Jno. Early, —, tax.
215 Pat. Lawler, —, tax.
216 Thos. Flannegan, X, tax.
217 Mart. Burns, —, tax
218 Wm. Klees, age.
219 Alex. Benney, X, tax.
220 Mich'l Kenney, X, tax.
221 Simon Matters, age.
222 Wm. Stone, —, tax.
223 Pat. Gallagher, —, tax.
224 Morgan Hopkins, X, tax.
225 Thos. Crammage, tax.
226 William Wragg, age.
227 Wm. Franz, sr.. X, tax.
228 Wm. Creswell, X, tax.
229 Patr. Harnen, —, tax.
230 Ant. Coyle, —, tax.
231 Patr. Kilker, —, tax.
232 Hugh McGuire, X, tax.
233 Jno. Ryan, X, tax.
234 Jas. Kelley, —, tax.
235 Ant. Dunlavey, —, tax.
236 Ant. Flannery, X, tax.
237 Jas. McGuire, X, tax.
238 Jno. Cochlen, X, tax.
239 Pat. Flannery, X, tax.
240 Henry Eckling, X, tax.

241 Mich. Groody, —, tax.
242 Jno. Miles, —, tax.
243 Mich'l Hughes, X, tax.
244 Edw. Ludlow, X, tax.
245 Thos. Murphy, X, tax.
246 John Lawler, X, tax.
247 Wm. Taggert, X, tax.
248 B. F. Rick, X, tax.
249 Wm. Darcey, —, tax.
250 Thos. Hollaren, X, tax.
251 Jerry Curren, —, tax.
252 Chas. Riley, —, tax.
253 Patr. Burns, X, tax.
254 Jas. Dixon, No. 1, —, tax.
255 Jas. Costello, —, tax.
256 Jas. Killmurry, —, tax.
257 Pat. Schoppy, X, tax.
258 Pat. Doherty, X, tax.
259 Jas. Sweeney, No. 1, X, tax.
260 Robert Hanna, X, tax.
261 Robert Hanna, jr., age.
262 Mich'l Convelle, age.
263 Jac. Metz, X, tax.
264 Mich'l Brinnen, sr., X, tax.
265 Jno. Harnen, —, tax.
266 Mart. Hoben, —, tax.
267 Thos. J. Price, X, tax.
268 Patr. Hollaren, age.
269 Pat. Dane, No. 3, —, tax.
270 Patr. Rowen, —, tax.
271 David D. Williams, —, tax.
272 Jno. Burns, X, tax.
273 John Hopkins, X, tax.
274 John Doherty, X, tax.
275 Wm. Jones, X, tax.
276 Patr. Murphy, age.
277 B. D. Beddall, X, tax.
278 Ben. Mowrey, tax.
279 Chas. Rick, age.
280 Mich'l Thompsen, age.
281 John Weidman, —, tax.
282 Klnt. Gaares, X, tax.
283 Jno. Cummings, —, tax.
284 Thos. G. Jones, X, tax.
285 Ant. Munley, No. 2, X, tax.
286 Patr. Donahoe, X, tax.
287 Cor. Haggerty, tax.
288 Jas. Sargent, —, tax.
289 Wm. Sargent, age.
290 Wm. I. Lewis, X, tax.
291 Henry Robberts, X, tax.
292 Dan'l Sweeney, —, tax.
293 Jacob Klein, X, tax.
294 David Grow, X, tax.
295 Mich'l Caufield, —, tax.
296 Jacob McCerdy, X, tax.
297 Patr. Carlin, —, tax.
298 Rich. Palmer, X, tax.
299 Ant. McGuire, X, tax.
300 Jos. Richards, X, tax.
301 Wm. Smith, X, tax.
302 James Sweeney, No. 2, X, tax.
303 Geo. Weidman, X, tax.
304 P. I. Sullivan, —, tax.
305 Chas. Ratzeburg, X, tax.
306 Patr. Dane, No. 4, —, tax.
307 Bryan Ruddy, —, tax.
308 John Dunlavey, —, tax.
309 John Rowe, X, tax.
310 Patr. McDonnel, —, tax.
311 Chas. Robberts, age.
312 Mich'l Doherty, age.
313 Jerry Grow, X, tax.
314 Jno T. Davis, X, tax.
315 Chas. Coyle, —, tax.
316 Jacob Geise, —, tax.
317 Ant. O'Donnell, X, tax.
318 Ed. McDonnell, <, tax.
319 Dan'l Rick, X, tax.
320 Peter Barrett, —, tax.
321 Mich'l Dane, —, tax.
322 Pat. Ryan, —, tax.
323 Philip Coyne, —, tax.
324 Mart. Boylen, —, tax.
325 Mart. Kilroy, —, tax.
326 James Devitt, <, tax.
327 Patr. Looskin, tax.
328 Ant. Dane, X, tax.
329 Thos. Smith, —, tax.
330 Wm. McLaughlin, —, tax.
331 Pet. McKernan, —, tax.
332 Wm. Harris, X, tax.
333 Mich'l Coyle, No. 2, —, tax.
334 Wm. Brown, X, tax.
335 Mich'l Munley, —, tax.
336 Mich'l O'Boyle, No. 2, —, tax.
337 Edw. Kilroy, —, tax.
338 Luke Brennan, —, tax.
339 John Early, age.
340 Ant. Neuhouser, X, tax.
341 Thos. Gaughen, —, tax.
342 Henry P. Kurtz, X, tax.
343 Lewis Kurtz, X, tax.
344 Mich'l Burns, —, tax.
345 Mich'l Gaven, —, tax.
346 Thos. Burns, —, tax.
347 Mich'l Murphy, X, tax.
348 Mich'l Cardiff, —, tax.
349 Mart. Welsh, X, tax.
350 John Powman, tax.
351 Henry Taggert, X, tax.
352 Thos. Dixon, tax.

353 Jas. Fox, X, tax.
354 Patr. Murphy, X, tax.
355 Ant. Dane, tax.
356 Thos. Moore, —, tax.
357 Thos. McLaughlin, —, tax.
358 Frank Shultz, X, tax.
359 Jas. McDonah, —, tax.
360 Wm. Doherty, —, tax.
361 Casnor Swasey, , tax.
362 Aug. Shultz, —, tax.
363 Pat. Tobin, —, tax.
364 Ed. Purcell, '74, tax.
365 Jno. Nash, '74, tax.
366 Mich'l Mack, —, tax.
367 Pat. Carey, —, tax.
368 Jas. Hogan, X, tax.
369 Jas. Britten, X, tax.
370 Elijah Kramer, X, tax.
371 Wm. Camfield, sr., —, tax.
372 John Brien, —, tax.
373 Wm. E. Hary, X, tax.
374 Law. Joice, —, tax.
375 Mich. Maloney, —, tax.
376 And. Boyle, —, tax.
377 Mich'l Kilroy, —, tax.
378 Patr. Dixon, —, tax.
379 Ant. Kelley, —, tax.
380 James Monaghen, —, tax.
381 Henry Cook, —, tax.
382 Chas. Timmons, —, tax.
383 Jno. Maloney, —, tax.
384 Dennis Brennan, —, tax.
385 Mich'l Maloney, —, tax.
386 Eli Fry, X, tax.
387 Wm. Noon, —, tax.
388 Sam'l Miller, No. 2, —, tax.
389 Jno. Bambrick, —, tax.
390 Thos. Carage, —, tax.
391 John Pierce, tax.
392 Chas. Esger, —, tax.
393 Jas. H. B. Warfield, X, tax.
394 Thos. Brennan, —, tax.
395 Jno. Davis, tax.
396 Herman Brosius, X, tax.
397 Thos. Costello, —, tax.
398 Peter Gilroy, —, tax.
399 Jno. Maurey, X, tax.
400 Mich'l McGorah, —, tax.
401 Jno. Kelley, X, tax.
402 Hugh Cafferty, —, tax.
403 Rich. Golden, —, tax.
404 Ed. Munley, —, tax.
405 Pat. Lenahan, —, tax.
406 Pat. McGrah, X, tax.
407 Jac. Lemberger, X, tax.
408 Ed. Kenney, X, tax.
409 Jno. McDonah, age.
410 Sam'l Mitchell, X, tax.
411 Thos. Noon, —, tax.
412 John Dugan, X, tax.
413 John Leonard, —, tax.
414 Mich'l McGuire, —, tax.
415 Mich'l Crane, X, tax.
416 Jas. Groody, —, tax.
417 Wm. Wilkinsen, —, tax.
418 Ant. Hoben, —, tax.
419 Geo. Stone, X, tax.
420 Thos. Smith, —, tax.
421 David Bowman, age.
422 Jno. McDonnell, —, tax.
423 Walter Williams, age.
424 Thomas Davis, X, tax.
425 Jas. B. Woods, tax.
426 Mich'l McGrah, age.
427 Mich'l Kilker, X, tax.
428 Dan'l Thomas, —, tax.
429 Jno. Brennan, —, tax.
430 Jno. Burns, tax.
431 Jno. Welsh, —, tax.
432 Jno. Curley, —, tax.
433 Henry Shuman, tax.
434 Cornel. O'Donnell, —, tax.
435 Patr. Noon, —, tax.
436 Patr. Daley, —, tax.
437 Mart. Dixon, No. 2, —, tax.
438 Jas. Roe, —, tax.
439 Michael O'Malley, —, tax.
440 Edw. Lavelle, —, tax.
441 Mich'l O'Malley, —, tax.
442 John Burke, No. 1, —, tax.
443 P. Ferguson, —, tax.
444 Mich'l O'Neil, —, tax.
445 John Donnelly, tax.
446 Edw. Harnen, age.
447 Jno. Cafferty, —, tax.
448 Phil. Harnen, —, tax.
449 Pat. Monaghen, —, tax.
450 Edw. Moyer, R., tax.
451 German Gregory, age.
452 John Bambridge, age.
453 Benja. Williams, new tax.

No. 1.

REGISTRY OF VOTERS FOR WEST MAHANOY TOWNSHIP, SCHUYLKILL COUNTY, 1876.—No. 2.—H. K. WESTON, NOTARY PUBLIC.

Registry of the qualified voters residing within the election district of West Mahanoy Township, Schuylkill County, Pennsylvania, 1876.

Names of registered voters.	Housekeeper or no housekeeper.	Column of initials or words. age, voter, &c.	Residence of the freemen or voters.	Occupation of every voter, whether housekeeper or not.	Place of boarding of non-housekeeper.	Name of person with whom boarding of non-housekeeper.	Name of person by whom employed.
Ancient, Wm	Housekeeper	Voter	Brownsville	Miner			
Anderson, J'n	...do	...do	William Penn	Laborer			William Penn Colliery.
Burke, Edw'd	...do	...do	Brownsville	Miner			Philadelphia Coal Company.
Barrett, Jno	...do	...do	...do	...do			Do.
Broome, Sam'l R	...do	...do	...do	...do			Do.
Becker, Peter, 2d	No housekeeper	...do	Lost Creek	Laborer	Lost Creek	Mrs. Becker	Do.
Burton, Jno	Housekeeper	...do	...do	...do			Do.
Boyle, Michael	...do	...do	...do	...do			Do.
Bedford, Jno. W	...do	...do	...do	Clerk			Lost Creek Store Company.
Brown, Wm	...do	...do	William Penn	Miner			Will[illegible] Penn Colliery.
Barrisford, Joseph	...do	...do	...do	...do			Do.
Barrett, Wm	...do	...do	...do	...do			Do.
Brennan, Jno	...do	...do	...do	...do			Do.
Bowman, Valentine	...do	...do			William Penn		Do.
Bedall, Benjamin	...do	...do	William Penn	Boss			Do.
Berdelbach, Jno	...do	...do	...do	Carpenter			Do.
Boylan, James	...do	...do	...do	Laborer			Philadelphia Coal Company.
Britton, James	...do	...do	Colorado	Engineer			Do.
Burns, Jno	...do	...do	...do	Laborer	Colorado		Do.
Bolan, Pat							
Breen, Michael							
Barrett, Peter							
Brennan, Thomas	Housekeeper	Voter	Danesville	Laborer			Philadelphia Coal Company.
Butler, Micha'l, 2d	...do	...do	...do	...do			Do.
Brennan, Mich'l, 1st			Brownsville	...do			Do.
Brennan, Michel, 2d			Danesville	Miner			Do.
Burke, Jno			...do	...do			Do.
Barmbrick, Jno			...do	Laborer			Do.
Brown, A. D			Lost Creek Store	Boss			Do.
Bradshaw, Austin			Danesville	Miner			Armrod & Co.
Barrett, Jno					Brownsville	Edw'd Burke	Philadelphia Coal Company.
Burns, Jno			Raven Run	Miner			William H. Heaton.
Burkhart, Henry			...do	...do			Do.
Brennan, Dennis			...do	...do			Do.
Blackwell, Jeremiah			...do	...do			Do.
Brown, Michael			Colorado	...do			Philadelphia Coal Company.
Bryan, Wm							
Brocius, Armand			Raven Run	Engineer			William H. Heaton.

Bearman, Andrew	Housekeeper	Voter	do	Laborer			William H. Heaton.
Burns, Pat	do	do	do	do			Do.
Burns, Jno	No housekeeper	do	do	do	Raven Run	Pat Burns	Do.
Burns, Michael	do	do	do	do	do	do	Do.
Brennan, Pat	Housekeeper	do	do	do			Do.
Bishop, Henry	do	do	do	Miner			Do.
Bolan, Pat	do	do	Colorado	Laborer			Philadelphia Coal Company.
Butler, James	do	do	Danesville	Miner			Do.
Butler, Pat	No housekeeper	do	do	do	Danesville	Jno. Butler	Do.
Burke, Jno	Housekeeper	do	Lost Creek Store	Laborer			Reading Railroad.
Brown, Col. D. P	do	do	do	Superintendent			Philadelphia Coal Company.
Bensinger, Hiram	do	do	Raven Run	Carpenter			William H. Heaton.
Bickelman, Harry J	No housekeeper	do		Laborer	Raven Run	Robt. Wheewall	Do.
Bean, Peter	Housekeeper	do		Carpenter			Do.
Bromley, A. H	do	do	Lost Creek Store	Clerk			Philadelphia Coal Company.
Brophy, Thomas	do	do	Brownsville	Blacksmith			Do.
Britton, Robt. C	No housekeeper	do		Laborer	Lost Creek	David Nicholas	Do.
Becker, Jno	Housekeeper	do	Lost Creek	do			Do.
Bowman, Jno	do	do	Danesville	do			Lost Creek Store Company.
Brady, Sobiesky	No housekeeper	do		Doctor	Lost Creek	Capt. L. S. Hay	Everybody.
Barron, Jno	Housekeeper	do	William Penn	Laborer			William Penn Colliery.
Barnsford, Geo	do	do	do	Miner			Do.
Besinger, Frank E	do	do	Raven Run	Laborer			William H. Eaton.
Bearnman, Fred	No housekeeper	do	do			Andrew Beram	Ormrod & Co.
Curley, Thomas	Housekeeper	do	Brownsville	Laborer			Philadelphia Coal Company.
Cosgrove, James	do	do	do	do			Do.
Carroll, Pat	do	do	do	do			Do.
Coyle, Darby	do	do	do	do			Do.
Clark, Anthony	do	do	do	do			Do.
Cuff, Pat	do	do	Lost Creek	do			Do.
Corpse, Jos	do	do	do	Blacksmith			Do.
Cummings, Jno	do	do	do	Laborer			Do.
Crane, Michael	do	do	do	do			Do.
Curduff, Michael	do	do	Danesville	do			Do.
Coyle, Michael	do	do	do	do			Do.
Coyle, Pat	do	do	Lost Creek	do			Do.
Crane, Anthony	do	do	do	do			Do.
Coyle, Edward	do	do	Danesville	do			Do.
Cosgrove, Jno							
Cleary, Jno	Housekeeper	Voter	William Penn	Laborer			Do.
Carey, Pat	do	do	do	do			Philadelphia Coal Company.
Canfield, Wm., 1st	do	do	do	do			William Penn Colliery.
Canfield, Wm., 2d	No housekeeper	do	do	Miner			Do.
Couch, Samuel	Housekeeper	do	do	do			Do.
Coyne, Philip	do	do	do	Laborer			Do.
Conly, Daniel	do	do	do	do			Do.
Canfield, James	do	do	do	Miner			Do.
Cochlin, Jno	do	do	do	do			Do.
Cambell, Jno	do	do	do	Blacksmith			Do.
Costello, James	do	do	Colorado	Miner			Do.
Condon, Pat	do	do	do	Laborer			Philadelphia Coal Company.
Cummings, Jno	do	do	do				Do.

Registry of the qualified voters residing within the election-district of West Mahanoy Township, &c.—Continued.

Names of registered voters.	Housekeeper or no housekeeper.	Column of initials or words, age voter, &c.	Residence of the freemen or voters.	Occupation of every voter, whether housekeeper or not.	Place of boarding of non-housekeeper.	Name of person with whom boarding of non-housekeeper.	Name of person by whom employed.
Cooper, Thomas	Housekeeper	Voter	Colorado	Miner			Philadelphia Coal Company.
Cafferty, Jno	do	do	Danesville	do			Do.
Cafferty, Hugh	do	do	do	Laborer			Do.
Cuff, James	do	do	do	do			Do.
Curduff, Dennis	No housekeeper	do	do	do	Danesville	Anthony Coyle	Do.
Carney, James	Housekeeper	do	do	do			Do.
Curly, Jno	do	do	do	Miner			Do.
Creiger, Daniel	do	do	Lost Creek	Laborer			Do.
Carey, Michael	do	do	Danesville	do			Do.
Cafferty, Martin	do	do	do	do			Do.
Cafferty, Pat	do	do	do	do			Do.
Canfield, Michael	do	do	Colorado	do			Do.
Carey, Thom's	do	do					Do.
Corby, Jos	do	do	Raven Run	Miner			Ormrod & Co.
Cranage, Thom's	do	do	do	Laborer			Do.
Cain, Andrew	do	do	do	Miner			William H. Heaton.
Costello, Thom's	do	do	do	do			Do.
Clark, Owen	do	do	do	do			Do.
Cook, Pat	do	do	Danesville	do			Ormrod & Co.
Conly, Pat	do	do	Colorado	do			Philadelphia Coal Company.
Carey, Michael	do	do	Lost Creek	do			Reading Railroad Company.
Cook, Henry	do	do	Danesville	Laborer			Moody, Gross & Co.
Coyle, Luke	do	do	Lost Creek	do			Philadelphia Coal Company.
Cresswell, John	do		Raven Run	do			Ormrod & Co.
Coyley, Anthony	do		Danesville	do			Hessker & Co.
Dane, Terrence	do	Voter	do	do			Philadelphia Coal Company.
Dane, Andrew	do	do	do	do			Do.
Dougherty, Char's	do	do	do	do			Moody, Gross & Co.
Donoughue, Martin	do	do	do	do			Do.
Dougherty, Thom's							
Delaney, Jno. M	Housekeeper	Voter	Brownsville	Miner			Philadelphia Coal Company.
Dormer, Michael	do	do	do	Laborer			Lebanon Valley Railroad Co.
Dane, Pat'k	do	do	do	do			Philadelphia Coal Company.
Dreslin, Mich'l	do	do	do	do			Do.
Daley, Pat	do	do	do	do			Do.
Donahoe, Frank	do	do	Lost Creek	do			Do.
Donahoe, Michael	No housekeeper	do	do	do	Lost Creek	Frank Donahoe	Do.
Dixon, James, 1st	Housekeeper	do	do	Miner			Do.
Dixon, James, 2d	do	do	do	do			Do.
Dixon, Anthony, 1st	do	do	do	do			Do.
Dewitt, Daniel	do	do	do	do			Do.
Dunleavy, Frank	do	do	do	do			Do.

Dixon, Edw'd	do	do	do	do			Do.
Dixon, Martin	do	do	Lost Creek Store	Laborer			Do.
Dougherty, Char's, sr	do	do	do	do			Do.
Dane, Anthony, 2d	do	do	do	do			Do.
Dougherty, James	do	do	do	do			Do.
Dane, Anthony, 3d	do	do	William Penn	do			William Penn Colliery.
Dougherty, Jno			do	Miner			Do.
Dougherty, Pat			do	do			Do.
Davis, Thom's			do	do			Do.
Dougherty, Edw'd			do	do			Do.
Dougherty, James			do	do			Do.
Doyle, James			do	do			Do.
Doyle, Andy			do	do			Do.
Davis, Jno			do	Laborer			Do.
Donahoe, Pat			do	do			Do.
Delaney, Thomas			do	Miner			Do.
Davis, Thom's W			do	do			Do.
Daley, Pat			Colorado	Laborer			Philadelphia Coal Company.
Davitt, James			do	Miner			Do.
Dougherty, Thom's			do	Laborer			Do.
Dane, Anthony, 1st			Danesville	Miner			Do.
Dane, Jno., (in jail)							
Dane, Michal	No housekeeper	Voter	Danesville	Laborer	Danesville	Pat Monahan, 1st	Himself, teaming.
Dane, Martin	do	do	do	do	do	do	Philadelphia Coal Company.
Davitt, Jno	Housekeeper	do	do	do			Do.
Dane, Pat'k	No housekeeper	do	do	do	Danesville	Terren Dane	Do.
Dane, Pat	Housekeeper	do	do	do			Reading Railrood Company.
Dane, Pat	do	do	do	do			Ormrod & Co.
Dane, Michael	No housekeeper	do	do	do			Philadelphia Coal Company.
Dane, Pat	do	do	do	do			Ormrod & Co.
Dane, Alexander	do	do	do	do			Moody, Gross & Co.
Dane, Andrew	Housekeeper	do	do	do			Do.
Donahoe, Peter	do	do	Raven Run	Miner			William H. Heaton.
Dougherty, Daniel	do	do	do	do			Do.
Day, Pat	do	do	do	do			Do.
Donnely, Jno	do	do	do	Blacksmith			Do.
Dixon, Anthony	do	do	do	Laborer			Do.
Dixon, Pat	No housekeeper	do	do	do	Raven Run	A. McLaughlin	Do.
Donnelly, Mich'l	Housekeeper	do	do	Miner			Do.
Donnelly, Dennis	do	do	do	do			Do.
Daley, Pat	do	do	do	Laborer			Do.
Dane, Jno., 2d	do	do	do	do			Do.
Dane, Philip	do	do	do	do			Do.
Davis, Jno	do	do	Lost Creek	do			Philadelphia Coal Company.
Dorr, Valentine	do	do	William Penn	do			William Penn Colliery.
Delany, Mich'l	do	do	do	do			Do.
Dolan, James	No housekeeper	do	Brownsville	do	Brownsville	Jno M. Delaney	Philadelphia Coal Company.
De Long, Amandus	do	do	Raven Run	do			Ormrod & Co.
Dougherty, Frank			Danesville	do			Philadelphia Coal Company.
Dougherty, John			do	do			Do.
Early, Jno	Housekeeper	Voter	Brownsville	do			Do.
Eckel, Henry	do	do	William Penn	Miner			William Penn Colliery.
Early, Valentine	do	do	do	do			Do.

Registry of the qualified voters residing within the election-district of West Mahanoy Township, &c.—Continued.

Names of registered voters.	Housekeeper or no housekeeper.	Column of initials or words, age, voter, &c.	Residence of the freemen or voters.	Occupation of every voter, whether housekeeper or not.	Place of boarding of non-housekeeper.	Name of person with whom boarding of non-housekeeper.	Name of person by whom employed.
Eberly, Levi	Housekeeper	Voter	Raven Run	Laborer			Ormrod & Co.
Eberly, Moses	No housekeeper	do	do	do			Do.
Eberly, Franklin	Housekeeper	do	do	Carpenter			Do.
Eberly, Ezra		do	do	Laborer			Do.
English, Isaac L	Housekeeper		Lost Creek	Carpenter			Philadelphia Coal Comp ny.
Esgar, Chas	No housekeeper				Raven Run	Mrs. Sanger	Wm. H. Heaton.
Edwards, Thos	do				do		
Fry, Eli	Housekeeper	Voter	Brownsville	Laborer			Philadelphia Coal Company.
France, Wm	do	do	William Penn	do			William Penn Colliery.
France, Geo	No housekeeper	do	do	do			Do.
Fitzimons, James	Housekeeper	do	do	Miner	William Penn	Wm. France	Do.
Fox, James	do	do	do	Laborer			Do.
Fisher, Jno	do	do	do	do			Do.
Furlong, Pat	do	do	Colorado	do			Philadelphia Coal Company.
Freel, Michael	do	do	do	do			Do.
Flannery, Thom's	do	do	Danesville	do			Do.
Flannery, Bartley	do	do	do	Miner			Do.
Flannery, Michael	do	do	do	Laborer			Do.
Flannery, Pat	do	do	do	do			Do.
Flannery, Martin	do	do	do	do			Do.
Flanigan, Jno	do	do	Raven Run	do			Ormrod & Co.
Flanigan, Thomas	No housekeeper	do	do	do	Raven Run	Jno. Flanigan	Do.
Flaherty, Michael	Housekeeper	do	do	do			Wm. H. Heaton & Co.
Flannery, Anthony	No housekeeper	do		do	Danesville	Pat. Flannery	Philadelphia Coal Company.
Fry, Isaac	Housekeeper	do	Lost Creek	do			Do.
Flemming, James	do	do	do	do			Do.
Fisher, Wm	do	do	do	do			
Gregory, Germain							
Gaughen, Thomas	Housekeeper	Voter	Danesville	Miner			Ormrod & Co.
Gaughen, Michael	do	do	do	Laborer			Do.
Gaughen, Thomas	do	do	do	do			Do.
Geiss, Jacob	do	do	Lost Creek	do			Philadelphia Coal Company.
Geiss, Jno	do	do	do	do			Do.
Garrity, Pat	do	do	do	do			Do.
Gilroy, Martin	do	do	do	do			Do.
Green, Jno	do	do	William Penn	do			William Penn.
Gray, Thomas	do	do	do	do			Do.
Griscom, David	No housekeeper	do	do	do		Batches	Do.
Grow, David	Housekeeper	do	do	do			Do.
Grow, Jerre	do	do	do	do			Do.
Gilbert, Peter	do	do	Colorado	do			Philadelphia Coal Company.
Grady, Michael	do	do	do	do			Do.

Gordon, Wm	....do	....do	Danesville	....do			M'd, Gross & Co.
Gilroy, Michael	....do	....do	.....do	....do			Philadelphia Coal Company.
Gilroy, Peter	....do	....do	.....do	Miner			Ormrod & Co.
Garvey, Jno	....do	....do	.....do	Laborer			Philadelphia Coal Company.
Gilroy, Edw'd	....do	....do	.....do	....do			Himself.
Garvey, Philip	No housekeeper	....do	.....do	....do			Philadelphia Coal Company.
Garvey, Pat	Housekeeper	....do	.....do	....do		John Garvey	Do.
Garvey, Jno	....do	....do	.....do	....do			Moody, Gross & Co.
Gubbins, Jno	....do	....do	Raven Run	Miner			Ormrod & Co.
Golden, Richard	....do	....do	.....do	....do			Wm. H. Heaton.
Garvin, Mich'l	No housekeeper	....do	.....do	....do			Ormrod & Co.
Gedling, Jonathan	Housekeeper	....do	.....do	Boss			Do.
Griffin, Mark	....do	....do	Lost Creek Store	Laborer			Lost Creek Store Company.
Gray, James	....do	....do	William Penn	....do			William Penn Colliery.
Green, John	....do	....do	Raven Run				Ormrod & Co.
Green, Wm	....do	....do					
Gessford, Jere	....do	....do					
Grelling, R	....do	....do					
Hore, James	....do	....do	Barnsville	Miner			Philadelphia Coal Company.
Hope, Jno	....do	....do	.....do	Laborer			Do.
Higgins, Jno	....do	....do	.....do	Miner			Do.
Healy, Jno	....do	....do	.....do	....do			Do.
Hanna, Robert	....do	....do	.....do	....do			Do.
Hood, Earnest	....do	....do	.....do	....do			Do.
Healey, Pat	....do	....do	.....do	Laborer			Do.
Hay, Restore L	....do	....do	Lost Creek	....do			Do.
Hanley, Jno	....do	....do	William Penn	....do			William Penn Colliery.
Haggerty, Cornelius	....do	....do	.....do	....do			Do.
Hebner, Char's	....do	....do	.....do	....do			Do.
Hopkins, Jno	....do	....do	.....do	Miner			Do.
Hughes, Michael	....do	....do	.....do	....do			Do.
Hubbard, Abner	....do	....do	.....do	Laborer			Do.
Hobin, James	....do	....do	Colorado	....do			Philadelphia Coal Company.
Harris, Wm., sr	....do	....do	.....do	....do			Do.
Harris, Wm., jr	....do	....do	.....do	....do			Do.
Harris, Jos	....do	....do	.....do	Miner			Do.
Harris, Jno	....do	....do	.....do	Laborer			Do.
Holsey, Conrad	....do	....do	.....do	....do			Do.
Hay, L. S	....do	....do	Lost Creek	Boss			Do.
Hay, Wm. E	....do	....do	.....do	Eng'r			Do.
Herrity, Jno	....do	....do	.....do	Laborer			Do.
Herrity, James	....do	....do	Danesville	Miner			Moody, Gross & Co.
Herrity, Edw'd	....do	....do	.....do	....do			Do.
Heaton, Wm. H	....do	....do	Raven Run	Boss			Wm. H. Heaton & Co.
Heaton, E. H			.....do				Do.
Heaton, R. C			.....do				Do.
Hartle, Sam'l	Housekeeper	Voter	.....do	Laborer			Do.
Hines, Char's	....do	....do	.....do	Carpenter			Do.
Hoover, Alexander	No housekeeper	....do	.....do	Laborer		Abrav Markle	Ormrod & Co.
Herrity, Michael	Housekeeper	....do	.....do	Miner			Wm. H. Heaton
Holloran, Thom's	....do	....do	.....do	....do			Do.
Houston, Arthur	....do	....do	.....do	....do			Do.

Registry of the qualified voters residing within the election-district of West Mahanoy Township, &c.—Continued.

Names of registered voters.	Housekeeper or no housekeeper.	Column of initials or words, age, voters, &c.	Residence of the freemen or voters.	Occupation of every voter, whether housekeeper or not.	Place of boarding of non-housekeeper.	Name of person with whom boarding of non-housekeeper.	Name of person by whom employed.
Harnan, Pat	Housekeeper	Voter	Raven Run	Laborer			William H. Heaton.
Halton, Edw'd	...do	...do	...do	...do			Ormrod & Co.
Houston, Edw'd	...do	...do	...do	...do			Do.
Harlowe, Jos	...do	...do	...do	Miner			Do.
Heaton, James	...do	...do	Lost Creek	Boss			Philadelphia Coal Company.
Houser, Barney	...do	...do	...do	Laborer			Do.
Holman, Philip	...do	...do	Raven Run	...do			Ormrod & Co.
Holman, Jos	...do	...do	...do	...do			Do.
Holman, Jno	...do	...do	...do	...do			Do.
Hopkins, Morgan	...do	...do	Brownsville	Miner			Philadelphia Coal Company.
Hobin, Martin	...do	...do	Colorado	Laborer			Do.
Herrity, John	...do	...do	Danesville				Do.
Jenkins, Michael	...do	...do	Brownsville	Laborer			Do.
Jordan, Thom's	...do	...do	Lost Creek	Miner			Do.
Joyce, Henry	...do	...do	...do	Laborer			Do.
Joyce, Pat	...do	...do	...do	Stonemason			Everybody.
Jones, Wm	...do	...do	William Penn	Miner			William Penn Colliery.
Jarvis, Jno	...do	...do	...do	...do			Do.
Jones, Thom's G	...do	...do	...do	...do			Do.
Jones, Jno	...do	...do	Colorado	Blacksmith			Philadelphia Coal Company.
Joyce, Peter	...do	...do	Raven Run	Laborer			Ormrod & Co.
Jeffries, Mark	...do	...do	...do	...do			William H. Heaton.
Johnson, Geo	No housekeeper	...do		...do			Philadelphia Coal Company.
Jackson, A. H	Housekeeper	...do	Lost Creek	Machinist			Do.
Klark, A. H	...do	...do					
Kelly, James	...do	...do	Brownsville	Machinist			Philadelphia Coal Company.
Kelly, Michael E	...do	...do	...do	Laborer			Do.
Kelly, Michael	...do	...do	...do	...do			Do.
Kinney, Micha'l	...do	...do	...do	...do			Do.
Kane, Jos	No housekeeper	...do	Lost Creek	...do	Lost Creek	Mrs. Bessie Kane	Do.
Koch, Daniel	Housekeeper	...do	...do	...do			Do.
Koch, Char's E	...do	...do	...do	Engineer			Do.
Kane, Thom's	...do	...do	...do	Laborer			Do.
Kilker, Pat, 1st	...do	...do	...do	Miner			Do.
Kilker, Miles	...do	...do	...do	...do			Do.
Kurtz, Lewis	...do	...do	William Penn	Laborer			William Penn Colliery.
Klim, Jacob	No housekeeper	...do	...do	...do			Do.
Kirklin, Jno	Housekeeper	...do	...do	...do			Do.
Kennedy, Jno	...do	...do	...do	...do			Do.
Kurtz, Henry	...do	...do	...do	...do			Do.
Kiefaber, Peter	...do	...do	...do	Clerk			Henry T. Bechtel.
Kenedy, Thom's	...do	...do	Colorado	Miner			Philadelphia Coal Company.

Kelly, Jno	....do	....do	.....do	Laborer			Do.
Kelly, Thomas	....do	....do	.....do	....do		— Batrhing	Do.
Kelly, Anthony	....do	....do	.....do	Miner			Ormrod & Co.
Kilker, Pat, 2d	... do	....do	Danesville	Miner			Heckscher.
Kelly, Pat	No housekeeper	....do		...do	Raven Run	James Kelly	William H. Heaton.
Kelly, James	Housekeeper	....do	Raven Run	Laborer			Do.
Kelly, Pat	...do	....do	.....do	Miner			Ormrod & Co.
Kern, Darby	...do	....do	.....do	....do			William H. Heaton.
Keim, O. P	...do	....do	William Penn	Clerk			William Penn Colliery.
Kahler, Jno	...do	....do	.....do	Laborer			Do.
Kutze, Emil	...do	....do	.....do	....do			Do.
Kane, Edward	No housekeeper	....do		....do	Lost Creek	His mother	Philadelphia Coal Company.
Kashnen, Sam'l	Housekeeper	....do	Raven Run	....do			William H. Heaton.
Ketto, Alfred	....do	....do	.....do	...do			Do.
Karney, Edw			Coloralar				Philadelphia Coal Company.
Lavelle, Pat							
Lawler, Pat	Housekeeper	Voter	Brownsville	Laborer			Philadelphia Coal Company.
Lawler, Wm	... do	....do	.....do	....do			Do.
Ludlow, Edw'd	...do	....do	Lost Creek	Miner			Do.
Ledding, Joel D	...do	...do	.....do	Laborer			Do.
Loyd, Stephen	... do	...do	William Penn	Miner			William Penn Colliery.
Lewis, Wm., 1st	...do	....do	.....do	....do			Do.
Lenberg, Jacob	...do	....do	.....do	Laborer			Do.
Lawler, Jno	...do	....do	.....do	....do			Do.
Lewis, Wm. H	...do	....do	.....do	Superintendent			Do.
Lewis, Wm., 2d	....do	....do	.....do	Miner			Do.
Leonard, Lewis	....do	....do	Colorado	Carpenter			Philadelphia Coal Company.
Lanihan, Pat	....do	....do	.....do	Laborer			Do.
Leonard, Jno	...do	....do	Danesville	.....do			Do.
Lurkin, Pat	...do	....do	.....do	Miner			Moody Gross Company.
Linnot, Pat	...do	....do	.....do	Laborer			Do.
Lee, Jno	....do	....do	Raven Run	Miner			Ormrod & Co.
Loub, Jno. T	...do	....do	.....do	Laborer			Do.
Lavelle, Jno	...do	....do	.....do	...do			William H. Heaton.
Lavelle, Pat'k	....do	....do	.....do	Miner			Do.
Lindermuth, Geo	....do	....do	.....do	Laborer			Do.
Linnot, Jno	....do	....do	.....do	Miner			Do.
Leoup, Jno	...do	....do	.....do	Laborer			Ormrod & Co.
Lavelle, Edw'd	...do	....do	Lost Creek	.. do			Philadelphia Coal Company.
Luther, W. S	No housekeeper	....do		Engineer	Lost Creek Store	Captain Porter	Do.
Lockwood, Rufus	Housekeeper	....do	William Penn	Laborer			William Penn Colliery.
Loeb, Henry	No housekeeper	... do			Raven Run	His father	
Murphy, Edw'd	Housekeeper	....do	Brownsville	.....do			Philadelphia Coal Company.
McCovick, Pat	...do	....do	.....do	Miner			Do.
McHugh, James	...do	...do	.....do	Laborer			Do.
Moran, Thomas	...do	....do	.....do	.. do			Do.
McCorick, Jno	...do	...do	.....do	Miner			Do.
McGuire, Thomas	...do	....do	.....do	Laborer			Do.
McGarvey, Frank	...do	....do	.....do	....do			Do.
Morrison, Wm	...do	....do	.....do	Miner			Do.
Miles, Anthony	...do	....do	.....do	....do			D .
McGinnes, Martin	....do	....do	.....do	Laborer			D .

Registry of the qualified voters residing within the election-district of West Mahanoy Township, &c.—Continued.

Names of registered voters.	Housekeeper or no housekeeper.	Column of initials or words, age voter, &c.	Residence of the freemen or voters.	Occupation of every voter, whether housekeeper or not.	Place of boarding of non-housekeeper.	Name of person with whom boarding of non-housekeeper.	Name of person by whom employed.
May, George	Housekeeper	Voter.	Lost Creek	Miner			Philadelphia Coal Company.
McAndrew, Martin	do	do	do	do			Do.
Metz, David	do	do	do	Carpenter			Do.
Miller, Samuel, 1st	do	do	do	Engineer			Do.
Metz, Jacob	do	do	do	Carpenter			Do.
Miller, Samuel, 2d	do	do	do	Laborer			Do.
Miller, David	do	do	do	do			Do.
Murphy, Thomas	do	do	do	do			Do.
Moyer, John W	do	do	do	do			Daniel Creager.
Monahan, Owen	do	do	do	Miner			Philadelphia Coal Company.
Monahan, James	do	do	do	Laborer			Do.
McGovern, Frank	do	do	do	Carpenter			Do.
Murphy, Lawrence	do	do	Lost Creek Store	Miner			Do.
McDonald, John	do	do	do	Laborer			Do.
Manley, Michael	do	do	do	do			
McGuire, Anthony	do	do	do	Miner			Philadelphia Coal Company.
McDonough, Martin	do	do	William Penn	Laborer			William Penn Colliery.
Macurdy, Jacob	do	do	do	do			Do.
Mitchell, Samuel	do	do	Lost Creek	Miner			Philadelphia Coal Company.
May, Thomas	do	do	William Penn	do			William Penn Colliery.
McGuire, James	do	do	do	do			Do.
Metz, Jos	do	do	do	Laborer			Do.
Metz, Jacob	do	do	do	do			Do.
McMangan, Pat	do	do	do	do			Do
McGee, Thomas	do	do	Colorado	Miner			Philadelphia Coal Company.
McGuire, Michael	do	do	do	Laborer			Do.
Moran, John	do	do	do	Miner			Do.
Muligan, Hugh	do	do	do	Laborer			Do.
Maloney, Edward	do	do	Danesville	do			Moody, Gross & Co.
McDonald, Pat	do	do	do	do			Do.
McGrath, Pat	do	do	do	do			Do.
Manly, James	do	do	do	do			Do.
Maley, Michael	do	do	do	Miner			William H. Heaton.
McGuire, Terrence	do	do	do	Laborer			Philadelphia Coal Company.
McLane, John	do	do	do	do			Do.
McLane, Pat	do	do	do	do			Do.
McLane, Martin	do	do	do	do			Do.
Monahan, Pat, 1st	do	do	do	Miner			Moody, Gross & Co.
Monahan, Pat, 2d	do	do	do	Laborer			No place.
McGuire, Hugh	do	do	do	do			Philadelphia Coal Company.
Mooney, Pat	do	do	do	do			Moody, Gross & Co.
Maley, Michael	do	do	do	do			Philadelphia Coal Company.

Malony, Andrew	....do	....do	.....do	....do			Moody, Gross & Co.
McAvoy, Brian	....do	....do	Raven Run	....do			Ormrod & Co.
Marshall Joel	....do	....do	.....do	Miner			Do.
Moore, William	....do	....do	.....do	Boss			Do.
Moyer, William	....do	....do	.....do	Carpenter			Do.
McDermot, Thomas	....do	....do	.....do	Miner			Do.
McGra, Darby	No housekeeper	....do	.....do	Laborer	Raven Run	Michael Hernty	William H. Heaton.
Mowrey, Sanders	....do	....do	.....do	....do	....do	John Mowry	Do.
McNealy, John			.....do				Do.
McLaughlin, Anthony	Housekeeper	Voter	.....do	Laborer			Do.
Mowry, John	....do	....do	.....do	....do			Do.
Mowrey, Benjamin	....do	....do	.....do	Miner			Do.
Mack, Michael	....do	....do	.....do	....do			Do.
Murray, Peter	No housekeeper	....do	.....do	....do	Raven Run	John Dougherty	Ormrod & Co.
Martz, John	Housekeeper	....do	.....do	Laborer			Do.
Maloney, Michael	No housekeeper	....do	.....do	Miner	Danesville	Andrew Maloney	Moody, Gross & Co.
Murphy, Michael	Housekeeper	....do	Danesville	Laborer			Do.
Murphy, James	....do	....do	.....do	....do			Do.
Murphy, Pat	....do	....do	.....do	....do			Philadelphia Coal Company.
McGra, Neal	....do	....do	.....do	....do			Ormrod & Co.
McGra, John	....do	....do	Colorado	....do			Philadelphia Coal Company.
Manley, Anthony, 1st	....do	....do	Danesville	....do			Do.
Manley, Anthony, 2d	....do	....do	.....do	....do			Ormrod & Co.
Manley, Pat	....do	....do	.....do	....do			Do.
Manley, Edward	....do	....do	.....do	....do			Do.
McIntyre, Anthony	....do	....do	.....do	....do			Do.
McGra, Michael	....do	....do	.....do	....do			Do.
Morrison, John	....do	....do	.....do	....do			Reading Railroad Company.
Metz, James A	....do	....do	Lost Creek	Carpenter			Philadelphia Coal Company.
McCabe, Peter	No housekeeper	....do	Lost Creek Store	Extra clerk	Lost Creek Store	John W. Bedford	Lost Creek Store Company.
Mase, Samuel	....do	....do		Laborer	Lost Creek	Daniel Krieger	Daniel Krieger.
Miller, Jos	....do	....do		....do	....do	Daniel Koch	Philadelphia Coal Company.
Murphy, Richard	Housekeeper	....do	Lost Creek	....do			Do.
McGuire, Anthony	....do	....do	Brownsville	....do			Do.
Maloy, John	....do	....do	William Penn	Miner			William Penn Colliery.
Maloy, Pat	....do	....do	.....do	....do			Do.
Maloy, James	....do	....do	.....do	Laborer			Do.
Maloy, John	....do	....do	.....do	....do			Do.
Mutherrin, Michael	....do	....do	.....do	....do			Do.
McKernan, Peter	....do	....do	.....do	Engineer			Do.
Morris, Ebenezer	No housekeeper	....do	Colorado	Miner	Colorado	Ebenezer Morris	Philadelphia Coal Company.
More, Thomas	Housekeeper	....do	Lost Creek	Laborer			Do.
Madara, Robert	No housekeeper	....do	.....do	....do	Lost Creek	Daniel Krieger	Daniel Krieger.
Moore, Thomas	....do	....do			Raven Run	William Moore	Ormrod & Co.
Morgan, Edward	....do	....do	Raven Run				Do.
Myrtle, William	....do	....do	.....do				Do.
Noon, William	Housekeeper	....do	Danesville	Laborer			Philadelphia Coal Company.
Nicholas, David	....do	....do	Lost Creek	Miner			Do.
Noon, Michael, 2d	....do	....do	.....do	Laborer			Do.
Nash, Martin	....do	....do	William Penn	....do			William Penn Colliery.
Newhouse, Anthony	....do	....do	.....do	....do			Do.

Registry of the qualified voters residing within the election-district of West Mahanoy Township, &c.—Continued.

Names of registered voters.	Housekeeper or no housekeeper.	Column of initials or words, age, voter, &c.	Residence of the freemen or voters.	Occupation of every voter, whether housekeeper or not.	Place of boarding of non-housekeeper.	Name of person with whom boarding of non-housekeeper.	Name of person by whom employed.
Newhouse, Herman	Housekeeper	Voter	William Penn	Miner			William Penn Collery.
Nolan, James	do	do	Colorado	do			Philadelphia Coal Company.
Neary, Pat	do	do	Danesville	Laborer			Moody, Gross & Co.
Neary, Edw'd	do	do	do	do			Do.
Nash, James	do	do	Raven Run	do			William Heaton.
Nash, Jno	do	do	do	Miner			William H. Heaton.
Noon, Thomas	do	do	Danesville	Laborer			Hecksher.
Noon, Michael, 1st			do	do			Philadelphia Coal Company.
Newhouse, Char's				Clerk	William Penn		H. T. Bechtel.
Noon, Michael, 3d			Lost Creek	Laborer			Philadelphia Coal Company.
O'Donnel, James	Housekeeper	Voter	William Penn	do			William Penn Colliery.
Owens, Henry	do	do	Lost Creek	Engineer			Philadelphia Coal Company.
O'Donald, Mac	No housekeeper	do	William Penn	Laborer		Batching	William Penn Colliery.
Ormrod, Geo	Housekeeper	do	Raven Run	Superintendent			Ormrod & Co.
O'Boyle, Michael	do	do	Brownsville	Laborer			Philadelphia Coal Company.
O'Donnell, Jos	do	do	Danesville	do			Do.
O'Neal, Hugh	No housekeeper	do	Brownsville	do	Brownsville	Michael O'Boyle	Do.
O'Neal, Michael	Housekeeper	do	Lost Creek Store	Miner			Do.
Owens, Wm	do	do	Lost Creek	Laborer			Do.
Owens, Jno	do	do	do	do			Do.
Price, Henry	do	do	Brownsville	Miner			Do.
Price, Jno. M	do	do	do	do			Do.
Peel, Robert	do	do	Lost Creek	do			Do.
Parrott, Jno	do	do	do	Boss			Do.
Palmer, Richard	do	do	William Penn	do			Do.
Price, Thomas	do	do	do	Engineer			William Penn Colliery.
Pierce, Jno	do	do	Danesville	Laborer			Ormrod & Co.
Padden, Henry	do	do	do	do			William H. Heaton.
Petty, Wm	do	do	Raven Run	Miner			Do.
Purcell, Nicholas	do	do	do	do			Do.
Purcell, Edw'd	do	do	do	do			Do.
Purcell, Jno	do	do	do	do			Do.
Porter, Rob't	do	do	do	Laborer			Do.
Porter, John	do	do	Lost Creek Store	Clerk			Lost Creek Store Company.
Quick, Paul	No housekeeper				Raven Run	Mrs. Sanger	W. H. Heaton.
Rudy, Bryan	Housekeeper	Voter	Danesville	Laborer			Moody, Gross & Co.
Reilly, Pat	do	do	Lost Creek	Miner			Philadelphia Coal Company.
Rick, Benjamin F	do	do	do	Engineer			Do.
Reese, Henry	do	do	do	Miner			Do.
Roland, Martin	do	do	do	Laborer			Do.
Reese, Joseph	do	do	do	Boss			Do.
Ryan, Jno	do	do	Lost Creek Store	Miner			William Penn Colliery.
Rotzenberger, Char's	do	do	William Penn	Laborer			Do.
Rick, Daniel	do	do	do	do			Do.

Rick, Daniel M	....do	....do	.....do	....do			Do.
Roe, Jno	....do	....do	.....do	Miner			Do.
Rice, Geo	....do	....do	.....do	Laborer			Do.
Roberts, Henry	....do	....do	.....do	....do			Do.
Roe, James	....do	....do	.....do	....do			Do.
Reilly, Char's	....do	....do	.....do	....do			Do.
Readdy, James	....do	....do	Danesville	Miner			Ormrod & Co.
Rowan, Pat	....do	....do	.....do	...do			Philadelphia Coal Company.
Rowan, Wm	....do	....do	.....do	...do			Ormrod & Co.
Rush, James, 1st	....do	....do	Raven Run	Laborer			Do.
Rush, James, 2d	No housekeeper	....do	.....do	...do			Do.
Richardson, Joseph	Housekeeper	....do	.....do	Engineer			Do.
Roberts, Wm	....do	....do	.....do	Miner			Do.
Roberts, Sam'l, 2d	....do	....do	.....do	Laborer			Do.
Richards, Joseph	....do	....do	Colorado	Boss			Philadelphia Coal Company.
Richards, Jno	No housekeeper	....do	.....do	....do	Colorado	Joseph Richards	Do.
Reinhart, Albert	...do	....do		Laborer	Lost Creek	Daniel Krieger	D. Krieger.
Richards, John	....do	....do	Colorado				Philadelphia Coal Company.
Ryan, Mark	....do	....do	.....do				
Shutz, Peter	...do	....do	Brownsville	Miner			Philadelphia Coal Company.
Shaw, Anthony	....do	...do	.....do	...do			Do.
Shaw, Mathew	....do	....do	.....do	Boss			Do.
Simons, Jno. J	....do	....do	Lost Creek	Miner			Do.
Stone, George	....do	....do	.....do	Laborer			Do.
Savage, Edw'd	....do	....do	William Penn	....do			Do.
Sweeny, James	....do	....do	.....do	....do			Reading Railroad Company.
Sweeny, James, 1st	....do	....do	.....do	Miner			William Penn Colliery.
Smith, Charles H	....do	....do	Danesville	Laborer			Do.
Sweeney, James, 2d	....do	....do	William Penn	Miner			Philadelphia Coal Company.
Sykes, Thomas	....do	....do	.....do	....do			William Penn Colliery.
Shingle, Char's	....do	....do	.....do	Laborer			Do.
Shultz, August	....do	....do	Colorado	Miner			Do.
Shultz, Frank	....do	....do	.....do	....do			Philadelphia Coal Company.
Stanton, Pat	....do	....do	Danesville	Laborer			Do.
Sands, Benjamin	....do	....do	Raven Run	Blacksmith			Moody, Gross & Co.
Smith, Barney	....do	....do	.....do	Laborer			Ormrod & Co.
Sweeney, Pat	....do	....do	.....do	Miner			Do.
Shuman, Henry	....do	....do	.....do	Engineer			William H. Heaton.
Smith, Thomas, 1st	....do	....do	.....do	....do			Do.
Smith, Thom's, 2d	....do	....do		Laborer	Raven Run	Thom's Smith, 1st	Do.
Smith, Wm	....do	....do		...do	....do	....do	Do.
Stone, Jno	....do	....do	Lost Creek	....do	Lost Creek	David Nicholas	Philadelphia Coal Company.
Stone, Wm	Housekeeper	....do	.....do	Miner			William Penn Colliery.
Swasey, Casur	....do	....do	.....do	Laborer			Lost Creek Store Company.
Smail, Samuel	....do	....do	.....do	Engineer			Philadelphia Coal Company.
Sargent, James	....do	....do	William Penn	Laborer			William Penn Colliery.
Slinn, Jos	....do	....do	.....do	....do			Do.
Shuholtz, Char's	....do	....do	.....do	....do			Do.
Stride, Jere	....do	....do	.....do				Do.
Sproats, Chris	....do	....do	.....do				Do.
Sulivan, P. J	No housekeeper	....do	.....do			Dan Rice	Do.
Thompson, Micha'l	....do	....do		Laborer	Brownsville	Miche O'Boyle	Philadelphia Coal Company.

Registry of the qualified voters residing within the election-district of West Mahanoy Township, &c.—Continued.

Names of registered voters.	Housekeeper or no housekeeper.	Column of initials or words, age, voter, &c.	Residence of the freemen or voters.	Occupation of every voter, whether housekeeper or not.	Place of boarding of non-housekeeper.	Name of person with whom boarding of non-housekeeper.	Name of person by whom employed.
Thomas, Sam'l	Housekeeper	Voter	Brownsville	Engineer			Philadelphia Coal Company.
Thickens, Wm	do	do	do	Boss			Do.
Thompson, David	do	do	Lost Creek	Miner			Do.
Timmins, Char's	do	do	do	do			Do.
Taylor, Thomas	do	do	do	do			Do.
Thomas, Daniel	do	do	do	do			Do.
Taggart, Wm	do	do	William Penn	do			William Penn Colliery.
Toole, Mich'l	do	do	do	Laborer			Do.
Toole, Pat	do	do	do	do			Do.
Taggart, Henry	do	do	do	Miner			Do.
Tobin, Pat	do	do	Raven Run	Laborer			William H. Heaton.
Tweedle, Thom's B	do	do	do	Engineer			Ormrod & Co.
Timmons, Wm	do	do	Danesville	Laborer			Philadelphia Coal Company.
Tempest, Thomas	do	do	Raven Run	Miner			Ormrod & Co.
Thomas, John	do	do	do	do			Do.
Toole, James	do	do	do	do			Do.
Wilkinson, Wm	do	do	Lost Creek	Laborer			On the road.
Willard, Jacob	do	do	do	Miner			Philadelphia Coal Company.
Welsh, Jno	do	do	do	Laborer			Do.
Wideman, Geo	do	do	William Penn	do			William Penn Colliery.
Wideman, Jno	da	do	do	do			Do.
Williams, Thom's D	do	do	do	do			Do.
Wagner, Jno	do	do	Colorado	Carpenter			Philadelphia Coal Company.
Warfield, W. B. H	do	do	do	Laborer			Do.
Welsh, Jno	do	do	Danesville	do			Do.
Williams, Thom's	do	do	Raven Run	do			William H. Heaton.
Williams, Thomas G	No housekeeper	do		do	Brownsville	Jno. M. Delaney	Philadelphia Coal Company.
Welsh, Thom's	do	do		do	do	do	Do.
Welsh, James	Housekeeper	do	Brownsville	do			Do.
Wood, James	do	do	Lost Creek	Miner			Do.
Weist Henry	No housekeeper	do		Laborer	Lost Creek	Daniel Krieger	Daniel Krieger.
Wenzel, George	do	do	Raven Run				Ormrod & Co.
Williamore, Eugene	do	do	do			B. Sands	Do.
Zerbe, Wm	Housekeeper	do	William Penn	Miner			William Penn Colliery.
Zerfing, John	No housekeeper	do			Bartching		Philadelphia Coal Company.
Matters, Sam'l W	Housekeeper	do	Raven Run				Ormrod & Co.
Morelle, Jas	do	do	do				Do.
Miller, Dan'l	No housekeeper	do	Lost Creek	Laborer			Philadelphia Coal Company.
Minshell, Edward, 1st	do	do	do	Miner			Do.
Minshell, Edward, 2d	do	do	do	Laborer		His father	Do.
Malonney, Michael	do	do	Danesville	do			Ormrod & Co.
McGra, Edward	do	do	do	do		Hugh Cafferty	Gros, Moods & Co.
Morgan, Edward	do	do	Lost Creek	do			Philadelphia Coal Company.

No. 1.

EXHIBIT B.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *January* —, 1877.

SIR: You are hereby notified that in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine witnesses before Hiram K. Weston, esq., a notary public in and for Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Mrs. M. J. Deach, in the borough of Shenandoah, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Thursday the 18th, Friday the 19th, and Saturday the 20th days of January, A. D. 1877, at eight o'clock in the forenoon of each of said days, and to be continued without interruption, except by necessary adjournments, during all of said period of time, or so much thereof as may be necessary, to examine the following witnesses, to wit:

Anthony Dixian, Edward Mousher, James Kelly, Patrick Marnen, Philip Marnen, Patrick Brannen, Thomas Smith, Richard Gulden, William Smith, Michael Miraughty, Michael Floerty, James Craford, John Purcel, Darby Curren, Michael Mack, Patrick Dealy, Darby McGrough, Thomas Castelo, John Nash, Michael Bowers, John Bowers, Edward Purcel, Patrick Toben, Thomas Discean, William McGlaughlin, Patrick Discean, Andrew Cain, Thomas Bowers, Michael Noan, Andrew Boyle, Edward Discean, Patt Noan, Patt Ferguson, Anthony Cogle, Andrew Deane, Michael V. Boyle, Thomas Flannery, Richmond McGrough, Martin Bowers, Harry Bock, John Matze, Peter Matze, James Bowers, John Flannegan, Edward Hallan, John Gavin, Thomas Kelly, Michael Canfield, James Murley, Michael McGuire, John Harnen, Michael Branen, James Nolan, John McGrough, John Brannen, Guill Fergusion, Michael Manelly, Edward Manelly, Edward Mannelly, Edward Mullowney, Michael O'Donnell, Anthony O'Donnell, Michael O'Nale, Narl O'Donnell, Hugh O'Nale, John Rourk, Peter Donoughue John Linnerd, John Pierce, Patt McDonnell, John Walsh, Michael McLarky, Frank Garvey, Patrick Deane, Charles Smith, Patt Killker. William Ross, Lorrence Murphy, Patrick McGlaughlin, Michael Brause, James Castelo, James Murphy, Nicklis Purcel, Patrick McGrough, Peter Gilroy,———, Dennis Brannan, Owen Clark, Denis Tracy, John Delaney, Thomas Walsh, Edward Heroughty, James Heroughty, John Heroughty, Anthony McEntyre, Thomas Murphy, James McGrail, John Maloy, James Maloy, Patt Maloy, Thomas McDermott, John Moran, John McAndrew, Patt Munnelly, Peter Joyce, John Kelley, James Gannon, Martin Gilroy, James Pevit, Edward Cagle, William Noon, ——— Curduff, William Harkins, Michael Noon, Michael Flannery, Michael Curduff, Patrick Flannery, Anthony Flannery, Martin Donaughue, John McDonald, Michael O'Malley, Terence McGuire, Michael Case, Anthony Miles, Patrick Miles, Matthew Costello, Anthony Crane, Larry Joyce, Michael O'Boyle, John

Dunleary, John Miles, John Commons, John Rourk, Anthony Dunleary, John Barrett, James Monoughan, Michael Nolan, James Discean, John Burton, Patt Cup, Anthony Deane, Patrick Monaughan, Patrick Nolan, Thomas McLaughlin, Thomas Kelly, William McCabe, Patt Lanaughan, James Murphy, Michael Cagle, James Nolan, James Habin, Martin Habin, Anthony Habin, Edward Heraughty, Patt Mooney, James Donaldson, John Jarvis, Austin Bradshaw, P. W. Kiefaler, Patrick Noon, and John Donelly, Thomas McGuire, M. Monaghan, and W. E. Hay.

J. L. NUTTING.

HON. JAMES B. REILLY.

SCHUYLKILL COUNTY, *ss:*

Personally came before me, the subscriber, a notary public in and for said county, William R. Bowman, who, being duly sworn, says that the foregoing notice to take depositions was served personally on James B. Reilly, therein named, by leaving with him a true copy thereof on the 13th day of January, A. D. 1877, at half-past 2 o'clock p. m.

WM. R. BOWMAN.

Subscribed and sworn to before me this —th January, 1877.

H. K. WESTON,
Notary Public.

EXHIBIT C.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *January* — , 1877.

SIR: You are hereby notified that in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested election," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses, whose names are hereinafter given, before Hiram K. Weston, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Charles Culp, in the borough of Ashland, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Tuesday the 23d, Wednesday the 24th, Thursday the 25th, Friday the 26th, and Saturday the 27th days of January, A. D. 1877, at eight o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matters shall be taken, at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit, the following witnesses, viz:

John Bumgarner (or Bomgardner), Edward Boyle, Tim Brennan, John Brennan, John Cunningham, James Curbley, William Curbley, James Canfield, Thomas Cavanaugh, Larry (or Lawrence) Cunningham, Owen Cunningham, Condy Cunningham, James Duddy, Charles Doherty, Charles Daley, William Durkin, Anthony Dougherty, Patrick Farrell, Dominick Farrell, Thomas Farrell, Daniel Gallagher, Anthony Currey,

Thomas Garah, James Joyce, Patrick Langon, Thomas Langon, Patrick Munley, Dennis Munley, Patrick Monaghan, Patrick McCabe, Patrick McGuire, Dominick McGuire, Thomas Molony, John McCormick, Thomas Myers, Frank McCoy, John McCoy, John Neary, Patrick Roach, James Rowland, Patrick Roach, Martin Seiner, Anthony Sheran, Michael Sheran, Thomas Joice, Peter Kegan, Patrick Murphy, Owen McManamon, Edward O'Neal, James O'Neal, Martin O'Neal, Thomas McDermott, Charles Dogherty, Peter Haley, Patrick Harley, J. C. Lynch, James McCall, Martin Munley, James Rowland, Michael Leinhan, all of North Butler election-district, Schuylkill County; Patrick Braheny, John Boylen, Daniel Carey, John Condon, Jady Carlin, Anthony Craig, Patrick Curley, Patrick Dogherty, Thomas Dogherty, Thomas Dogherty, Philip Erwin, Michael Guilley, George Dogherty, Patrick Gannon, sr., Anthony Gaughin, Anthony Gaughin, sr., Patrick Houston, John Haley, Patrick Lofties (or Loftis), John Monaghan, Patrick Moran, Patrick McAndrew, Owen McLane, John McLarkey, Michael McAndrew, John McDonnell, John J. McDonell, Patrick McGinnis, James McLarkey, Patrick McDonnell, James McAndrew, Henry Mills, Thomas Moran, Michael Monaghan, John McCullough, Michael Moloney, James Nolan, Edward Noray, James Reddy, Terry Scanlin, John Thomson, Adam Mortz, Bryen Heferin, Laurence Hefrin, Patrick Heneley, Owen Mulhern, John Galligher, James Carey, Patrick Noon, Michael Nolan, John Coogan, Peter Haley, John Heffron, Anthony Gaughen, Patrick Laurey, J. C. Lynch, Patrick McHale, Edward Joyce, Patrick Mullarkey, all of East Butler election-district, Schuylkill County; John Murphy, Montgomery Shannon, Patrick Mullin, Michael Boylen, Patrick McGever, James Tool, Thomas Mullen, all of South Butler election-district, in said Schuylkill County; Patrick Ryan, William Ready, James Riley, John Rearden, James O'Brien, Patrick McConnel, James Killian, John Kupp, Christopher Grogan, Dr. T. D. Emack, James O'Brien, John Costa (or Coates), William Jackson, John Leahy, jr., P. W. Purcel, Stephen Middleton, Joseph H. Davidson, George Simmons, Francis McKeown, all of the borough of Gilberton, in said Schuylkill County; Bryan Monaghan, Edward Gorman, Thomas Griffith, Laurence Heffron, Napoleon Thomas, Anthony Carey, Theodore Schmit, Martin Monelly, Charles Dougherty, L. J. Steinhilber, M. J. Sweeney, H. H. Seitzinger, Edward Carr, John A. Garner, W. Seitzinger, Owen Colahan, all of Butler Township, in said county of Schuylkill; Charles Grogan, Anthony Murphy, A. J. Pepper, Patrick Flannery, Thomas McGrath, John Wacton, James Grant, John Adams, and John Adams, all of the borough of Ashland in said county.

J. L. NUTTING.

Hon. JAMES B. REILLY.

SCHUYLKILL COUNTY, *ss*:

Personally came before me, the subscriber, a notary public in and for said county, William R. Bowman, who, being duly sworn, says the foregoing notice to take depositions was served personally on James B. Reilly, therein named, by leaving with him a true copy thereof on the 13th day of January, A. D. 1877, at half-past 7 o'clock p. m.

WM. R. BOWMAN.

Subscribed and sworn to before me this — January, 1877.

H. K. WESTON,
Notary Public.

EXHIBIT D.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *January* 20, 1877.

SIR: You are hereby notified that in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, before Hiram K. Weston, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Charles Culp, in the borough of Ashland, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth congressional district, in the above matter, on Wednesday the 24th, Thursday the 25th, and Friday the 26th, Saturday the 27th days of January, A. D. 1877, at eight o'clock in the forenoon and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or at such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit, the following witnesses, viz:

John Brannen, James Brennan, Timothy Brennen, Michael Brown, Patrick Brown, John Barrett, Martin Boylen, John Conlin, John Castelow, Michael Castelow, Andy Clark, Michael Cook, John Casey, Michael Cahill, Conrad Cain, Lawrence Casey, Owen Cannon, jr., Hugh Cannon, Patrick Coon, Owen Dixon, Dennis Devers, Philip Erwine, Thomas Feeney, John Feeney, Thomas Francis, William Goff, Patrick Gannon, jr., Michael Ginley, John Ginley, Thomas Gillaspy, Anthony Ginley, Bryan Heffron, Thomas Horan, Michael Haley, Thomas Joyce, Edward Joyce, Patrick Leahan, James Lynch, John Mullin, Thomas McGuire, Michael Mullin, jr., James Madden, Michael McDonough, Edward Nary, Edward O'Neal, jr., Edward O'Neal, sr., Martin O'Neal, jr., James O'Neal, jr., Patrick Padden, Patrick Roach, Con Sullivan, James Salmon, Patrick Stanton, Montgomery Shannon, Peter Sweeney, John Thompson, Patrick Connick, John Curry, William Curbley, Henry Copenhafer, Peter Constine, Owen Curduff, Samuel Crow, Samuel Crow, Thomas Dolan, Frank Fisher, David Fisher, David Fisher, Patrick Hanley, Michael King, Patrick Loftus, Patrick Loftus, John McCoy, Patrick Mullin, Patrick Mullin, William Reichwein, James Sweeney, James Sweeney, David Stringer, Anthony Sheron, Charles Crogan, Patrick Flannery, Harry Conners, Timothy Brennan, Owen Cannon, sr., Owen Cannon jr., Andrew Gallagher, James Curry, James Lynch, John Conlin, Martin Barrett, Patrick Barrett, Patrick Riley, Anthony King, James Collins, Anthony Carey, Michael Munley, Edward Cannon, John Dougherty, John McDonald, Patrick McDonnell, Thomas Malarkey, Anthony Haley, Michael Cuff, Thomas Horan, Patrick Feeney, Patrick Maloney, Patrick Garnon, Patrick Lenehan, Dominick Crane, Owen McClunn, Michael Riley, William Goff, all of Butler Township, in said Schuylkill County.

J. L. NUTTING.

HON. JAMES B. REILLY.

EXHIBIT D.—*H. K. Weston, Notary Public.*

SCHUYLKILL COUNTY, *ss:*

Personally came before me, the subscriber, a notary public in and for said county, William R. Bowman, who, being duly sworn, says that the foregoing notice to take depositions was served personally on James B. Reilly, therein named, by leaving with him a true copy thereof on the 20th day of January, A. D. 1877, at 5.45 o'clock p. m.

WM. R. BOWMAN.

Subscribed and sworn to before me this 20th January, 1877.

H. K. WESTON,
Notary Public.

EXHIBIT E.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the United States for the Forty-fifth Congress.

POTTSVILLE, *January* 23, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the supplements thereto, it is my intention to examine, in addition to those already given, the witnesses whose names are hereinafter given, before Hiram K. Weston, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Charles Culp, in the borough of Ashland, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Saturday the 27th day of January, A. D. 1877, at nine o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place and such other place and places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit, the following witnesses, viz: William Smith, J. C. Murray, William Brennan, Thomas Herrick, Thomas Murphy, J. J. Meyer, J. Meyer, Philip Haggerty, Con Sullivan, John Gannon, Malachi Farrell, all of the west ward, in the borough of Gilberton, in said district, and who voted in the middle ward of said borough.

J. L. NUTTING.

Hon. JAMES B. REILLY, and
Messrs. JOHN NASH, J. F. MINOGUE, and A. P. SPRINNEY,
His Counsel.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before the subscriber, a notary public in and for said county and State, William R. Smith, who, being duly sworn, says that the foregoing notice to take depositions of witnesses was served personally on John Nash and A. B. Spinney, of counsel for incumbent, the said James B. Reilly therein named, by leaving with them, the said counsel, a true copy thereof, on the twenty-third day of January, A. D. 1877.

WM. R. SMITH.

Subscribed and sworn to before me this 27th day of January, 1877.
[SEAL.] H. K. WESTON, *Notary Public.*

EXHIBIT F.—*H. K. Weston, notary public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the United States for the Forty-fifth Congress.

POTTSVILLE, *January* 24, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the supplements thereto, it is my intention to examine, in addition to those persons whose names are already given, the witnesses whose names are hereafter given, before Hiram K. Weston, esquire, a notary public in and for the county of Schuylkill, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Charles Culp, in the borough Ashland, within said thirteenth Congressional district, in the above matter, on Monday, January 29, and Tuesday, January 30, 1877, at nine o'clock in the forenoon, and each and every day thereafter, except Sundays, until the evidence in said matter shall be taken at said place, or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit, the following witnesses, viz: Owen Conroy, Michael Lenihan, Patrick Sweeney, Robert Garner, of North Butler; Thomas Conroy, Wm. Malley, Thomas Frainey, Henry Mills, Edward Barrett, Thomas Dougherty, Laurence Granger, James Mullarkey, Thomas Heffron, Andrew Healy, Anthony Monaghan, Owen Dougherty, Michael McAndrew, Martin McHugh, Patrick Conroy, Thomas Reilly, Michael Nolan, of East Butler; Jeremiah Gorman, of borough of Girardville; Martin Crill, John Murphey, of South Butler.

J. L. NUTTING.

To Hon. JAMES B. REILLY, or JOHN NASH, Esq.,
His Attorney.

SCHUYLKILL COUNTY, *ss:*

Personally came before me, the subscriber, notary public in and for said county, Edward Monaghan, who, being duly sworn, says that the foregoing notice to take depositions was by him served personally upon John A. Nash, esq., the attorney for the said James B. Reilly therein named, by leaving with him a true copy thereof, on the 24th day of January, A. D. 1877.

EDWARD MONAGHAN.

Subscribed and sworn to before me this 29th day of January, A. D. 1877.
[SEAL.] H. K. WESTON, *Notary Public.*

EXHBIT G.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *January* 29, 1877.

SIR: You are hereby notified that in pursuance of an act of Con-

gress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, before Hiram K. Weston, esquire, a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Mrs. M. J. Deach, in the borough of Shenandoah, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Thursday, February 1, 1877, at nine o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place, or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

Anthony Dixian, Edward Monsher, James S. Kelly, Patrick Marnen, Philip Marnen, Patrick Brannen, Thomas Smith, Richard Gulden, William Smith, John Cochlin, Michael Miraughty, Michael Floerty, James Craford, John Purcell, Darby Curren, Michael Mack, Patrick Dealy, Darby McGrough, Thomas Castello, John Nash, Michael Burns, John Bourns, Edward Purcell, Patrick Toben, Thomas Discean, William McGlaughlin, Patrick Discean, Andrew Cain, Thomas Bourns, Michael Noan, Andrew Bagh, Edward Discean, Patrick Noan, Patrick Ferguson, Anthony Coyle, Andrew Deane, Michael V. Boyle, Thomas Flannery, Richmond McGrough, Martin Bourns, Harry Bock, John Matze, Peter Matze, James Bourns, John Flannegan, Bryan McAvoy, Thomas Flannegan, Edward Hallan, John Gavin, Thomas Kelley, Michael Canfield, James Murley, Michael McGuire, John Harnen, Michael Branen, James Nolan, John McGrough, John Brannen, Guill Ferguson, Michael Manelly Edward Manelly, Edward Mullowney, Michael O'Donnell, Anthony O'Donnell, Michael O'Maley, Michael O'Neal, Narl O'Donnell, Hugh O'Neal, John Rourk, Peter Donoghhue, John Linnerd, John Pierce, Patrick McDonnell, John Walsh, Michael McLarky, Frank Garvey, Patrick Deane, Charles Smith, Patrick Killker, William Ross, Lawrence Murphy, Patrick McGlaughlin, Michael Branse, James Castello, James Murphy, Nicholas Purcell, Patrick McGrough, Peter Gilroy, Dennis Brannan, Owen Clark, Denis Tracy, John Delaney, Thomas Walsh, Edward Heroughty, James Heroughty, John Heroughty, Anthony McIntyre, Thomas Murphy, James McGrail, John Maloy, James Maloy, Patrick Maloy, Thomas McDermott, John Moran, John McAndrew, Patrick Munnelly, Peter Joyce, John Kelley, James Gannoan, Martin Gilroy, James Pevitt, Edward Coyle, William Noon, ——— Curduff, William Harkins, Michael Noon, Michael Flannery, Michael Curduff, Patrick Flannery, Anthony Flannery, Martin Donoughue, John McDonald, Michael O'Malley, Terrence McGuire, Michael Case, Anthony Miles, Patrick Miles, Matthew Costello, Anthony Crane, Larry Joyce, Michael O'Boyle, John Dunleavy, John Miles, John Commons, John Rourk, Anthony Dunleavy, John Barrett, James Monoghan, Michael Nolan, James Discean, John Burton, Patrick Cup, Anthony Deane, Michael Deane, Patrick Monoghan, Patrick Nolan, Thomas McLaughlin, Thomas Kelly, William McCabe, Patrick Lananghan, James Murphy, Michael Cagle, James Nolan, James Habin, Martin Habin, Anthony Habin, Edward Heraughty, Patrick Mooney, James Donaldson, John Jarvis, Austin Bradshaw, P. W. Kilfaler, Patrick Noon, John Donnelly, Thomas McGuire, M. Monaghan, and W. E. Hay, Neal O'Donnell, Terrence Dean,

Edward Burk, John Burk, all of the township of West Mahanoy, in said county; Michael Laven, of the borough of Girardville, in said county; John W. Thirlwell and Thomas F. Connor, both of the borough of Ashland, in said county; James Brennan, Thomas Brennan, Owen Delay, Robert Parry, Michael Ryan, Thomas Keating, Bryan Farrell, all of the middle ward of the borough of Gilberton, in said county; Austin McGrail, Thomas McGrail, Charles Nesbit, Charles Narbitt, all of the first ward in the borough of Shenandoah, in said county; Charles Burns, ——— Feldman, both of the fourth ward in the borough of Shenandoah; Charles Mervine, Joseph Spurr, William J. Richards, and John Richards, all of the borough of Frackville, in said county; John Cochlin, of the township of East Mahanoy, in said county.

Hon. JAMES. B. REILLY.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me, the subscriber, a notary public in and for said State and county, William R. Bowman, who, being duly sworn, says that on the 29th day of January, 1877, at half past five o'clock in the afternoon, he served the foregoing notice to take depositions upon the said James B. Reilly, by leaving with him personally a full, true, and complete copy or duplicate thereof.

WM. R. BOWMAN.

Subscribed and sworn to before me this 30th day of January, A. D. 1877.
[SEAL.]
JOHN C. CONRAD,
Notary Public.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *February* 3, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinbefore given before Hiram K. Weston, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Mrs. M. J. Deitz, in the borough of Shenandoah, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Thursday, the 8th day of February, 1877, at nine o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

Patrick O'Neil, Austin Mealy, Bernard Dougherty, John Terrill, Patrick Campbell, Lawrence Mangan, John McHugh, Mare Arnshon, Patrick Courey, Cornelius Leahy, John Kelly, John McMannus, Michael Curley, John Cochlin, John Tracey, James Keane, John Malahey, Thomas Loftus, Peter Haverty, John Monahan, George Lawler, James Dowling, Jerry Conahan, Dennis O'Neil, Patrick McKenna, John Pep-

per, Thos. Cavanaugh, Timothy Hurley, Adam Mialewskie, Edward Roche, George Tobin, Edward Lally, Patrick Toole, John Toole, Patrick Flynn, Francis Carr, Garrett McKenna, Michael Powers, Francis McHugh, Emanuel Delcamp, Martin Mullahey, Wm. Lathlence, Wm. McKeon, Patrick Matthews, Edward Reilly, Wm. Flaherty, sr., Thomas Grady, John Toole, sr., Thomas Keelty, Michael Lawler, Gerald McKenna, Peter Welsh, Martin Cummings, Patrick Sheehey, Martin Lawler, Patrick Furguson, Patrick Murry, Bart Sheehy, James McHugh, Julien Czienski, Alexander Czienski, John McGreal, Edward Furloney, Michael Millet, sr., Michael Mulahey, John Simmons, Anthony Flynn, Austin Morrison, Peter Kozakienig, John Keogh, Wm. Barry, Richard Harrell, James Ennis, Joseph Murphy, Dominick Szymanski, Pat. Ryan, Joseph Walsh, John Hannah, James Murphy, Joseph Murphy, jr., Daniel Bradley, Michael Byrns, Thomas Cautlin, Nicholas Correll, John Hurley, Edward Barry, jr., Pat. Rattagan, John Gaffegan, Thomas Furgason, John Courey, Michael Durkin, Patrick Stanton, John Rodgers, James Dowling, John Brennan, Thos. McAvoy, Jeremiah O'Connor, Christ Dougherty, John Brennan, Jacob Shuey, John Murrey, Michael O'Connor, Michael McDonald, James Begley, Nicholas Fulmer, Michael Ratchford, Wm. Kelly, Thomas Grifillan, John Dowling, Maurice Scanlan, Michael McGuire, Patrick Keogh, Patrick Stack, John Tobin, sr., Patrick McAtee, Bryan McCarty, John Mathews, Martin Finnerty, Peter Smith, Wm. Flaherty, John O'Neil, James Malley, sr., Nicholas Heaton, Peter Kirk, John Flynn, John McDonald, Patrick Hendrick, Patrick Coyle, John Snell, Philip Cartwright, Daniel Cautlin, John O'Neil, Conn Flynn, sr., John Murphy, Thomas Connors, Martin McGuire, Thomas Hughes, Anthony Burke, Austin McGreal, Thomas Dalton, Patrick McNamara, Mare Arnsohn, John Sneddin, John Fitzpatrick, Michael Cautlin, Patrick Ward, Andrew Connelly, Patrick Gaffigan, Casper Hughes, Michael Wade, Thomas Durkin, John Rawley, M. P. Whittaker, Patrick Keefe, James O'Hern, Daniel Coakley, Carbury Eagin, Michael Connelly, Richard Connell, James Sneddin, George Manning, John Konig, Simon Gregory, John Kelty, Martin Monaghan, John Cooney, James Mullen, Patrick Gibbons; all of the first ward of the borough of Shenadoah, in said county.

Mark Burke, James Foley, John Brittan, Pat Finnegan, Michael Caff, Thomas Gibbons, Matthew Macalle, Patrick Miles, Charles Amour, Richard Amour, John Dowdy, Peter Maealle, Henry Zykes, Charles Martin, Charles Burns, Thomas Casey, John O'Hern, John Hughes, Hugh W. Hughes, Joseph Wyland, Matthew Mullhall, Alexander Lytle, Wm. James, Jonathan Hughes, Thomas Mansel, Enoch Decker, John Skeath, James Quirk, Thos. S. Powell, Patrick Whittaker, Patrick Gauchin, Edward Burk, John Fitzgerald, Edward Tobin, James Dowdy, Darriel Breeman, Anthony Michael, James Cosgrove, Edward C. Lloyd, George Ploppert, Edward Fitzgibbons, Charles Trinkle, Matthew Lawkin, Martin Larkin, Isaac Jarvis, James Penman, Joseph Copeland, Michael Loftus, Henry Goodhead, James Goodhead, Wm. Wadely, John Wilcombe, David Heisenhower, George Lord, Benj. Powell, John Watson, Gilbert Watson, Gilbert Henry; all of the fourth ward, borough of Shenandoah, in said county.

Owen Delany, James Murphy, James Murphy, sr., Thomas Brennan, Richard Murphy; all of the middle ward, borough of Gilberton, in said county.

James Richardson, James Richards, John Richards, W. J. Richards; all of the borough of Frackville, in said county.

John Bainbridge, David Bowman, Luke Brennan, Martin Boylan, Fred.

Bearman, Alex. Benny, Samuel Chrust, Samuel Creisher, Jeremiah Curran. Michael Casey, Henry Cook, Michael Donahoe, Anthony Dunleavy, Michael Dougherty, Isaac L. English, B. A. Frick, Clint Garris, Pat McGee, Michael Garm, German Gregory, Bernard Houser, German Gregory, William Howard, Pat Holleran, A. H. Jackson, A. B. Jackerson, John Jarris, jr., John Lee, A. H. Klick, John Leip, John T. Loep, Richard Murphy, Patrick Moran, Edward Murphy, Michael McEntyre, Thomas Moore, Patrick McDonald, Simon Matters, John Miles, Edward McDonald, John Malooney, Pat Monaghan, Pat Monohan, Patrick Nevin, Andrew O. Boyle, John Rice, John G. Rentzel, Wm. Stone, Casnor Swazey, Walter Williams, Benj. Williams, James Dunleavy, Con O'Donald, Peter Mootz, John Walsh, Patrick Dean, Neal O'Donnell, Patrick Deane, Patrick Deane; all of the township of West Mahanoy, in said county.

John Burke or John Birke, late of Blythe Township, now of West Mahanoy Township, in said county.

J. L. NUTTING.

Hon. JAMES B. REILLY, or JOHN A. NASH, Esq.,
His Attorney.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me, the subscriber, a notary public in and for said county and State, William R. Bowman, who, being duly sworn, says that on the 5th day of February, 1877, he served the foregoing notice to take depositions upon the said John A. Nash, esq., attorney for said James B. Reilly, by leaving with him, said attorney, personally, a full, true, and complete copy thereof, and leaving it in his possession.

WM. R. BOWMAN.

Subscribed and sworn to before me this 6th Feb'ry, A. D. 1877.
[SEAL.] H. K. WESTON,
Notary Public.

EXHIBIT P.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *February* 6, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given before Seth A. Geer, esquire, a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Samuel Garrett, in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Friday, the 9th day of February, 1877, at nine o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

William T. Hamilton, Mathew Gibson, Mrs. James Cole, all of the borough of Mount Carbon.

Daniel Farrell, of the township of Frailey; Jeremiah White, John G. Dengler, Augustus Seiler, Charles A. Glenn, Thomas Kean, all of the northeast ward of the borough of Pottsville.

B. B. McCool, Charles H. Hazzard, all of the south ward in the borough of Pottsville.

O. J. Allgood, Edward Shartel, Peter Fasolt, all of the middle ward, borough of Pottsville.

John Buckley, F. C. Kuentzel, all of the seventh ward, borough of Pottsville.

A. K. Barr, F. C. Kuentzel, all of the northwest ward of the borough of Pottsville.

Louis Blass, of the borough of Girardsville.

Patrick Collins, of the borough of Palo Alto.

Morgan W. Fehr, of the township of West Brunswick.

Charles D. Lurwig and Charles S. Lurwig, of the borough of Port Carbon.

Thomas F. Kerns, of the borough of Saint Clair.

Joseph H. Davidson, of the west ward, borough of Gilberton.

John Buckley, F. C. Kuentzle, Richard Nash, John McCormick, Michael Brennan, Joseph Grosch, Robert Nesbit, Martin Carroll, Joseph Eberley, George Moty, Thomas Ward, William Barry, William Mullen, James Conaghan, Thomas Ward, James Conaghan, Christian Focht, Thomas Brennan, Thomas Brennan, Thomas Brennan, all of the north ward, borough of Pottsville, and all within the county of Schuylkill.

J. L. NUTTING.

Hon. JAMES B. REILLY, or
A. W. SCHALCK, Esq., *His Attorney.*

STATE OF PENNSYLVANIA, *County of Schuylkill, ss:*

Personally came before me, the subscriber, a register in bankruptcy of the eastern district of Pennsylvania, William R. Bowman, who, being duly sworn, says that on the 6th day of February, 1877, he served the foregoing notice to take depositions upon the said A. W. Schalck, attorney for said James B. Reilly, by leaving with him, said attorney, personally, a full, true, and complete copy thereof, and leaving it in his possession.

WM. R. BOWMAN.

Subscribed and sworn to before me this 7th day of February, A. D. 1877.

JNO. P. HOBART,
Register in Bankruptcy.

Offer No. 1, *on the part of the incumbent.*

In the matter of the contest of a seat between Col. James L. Nutting, contestant, and Hon. James B. Reilly, incumbent, in Forty-fifth Congress.

JAMES L. NUTTING, CONTESTANT,
vs.
JAMES B. REILLY, CONTESTEE.

Before Hiram K. Weston, notary public, commissioner.

And now, January 29, 1877, the contestant having attempted to prove by Joseph H. Davidson, a witness called and sworn on the part of the

said contestant, that the line dividing the middle ward from the west ward of the borough of Gilberton was located east of the Stanton colliery about 120 yards, and not at Bear Ridge colliery No. 2, as it was supposed, and as incumbent proposes to prove was supposed; and also that H. L. Williams, Joseph Zimmerman, George Simmons, and others had informed him, before election and since, that the line was where he located it, incumbent now proposes to ask said witness, on cross-examination, "What were the politics of said H. L. Williams, Joseph Zimmerman, George Simmons, and others"? for the purpose of showing that the said Williams and others were members of the Republican party; and to be followed by other proof on behalf of incumbent, showing that the true lines of said ward were purposely concealed from Democratic voters, in order that they might cast their votes at wrong poll. And that the Republicans of said district thus conspired for the purpose of depriving Hon. James B. Reilly of votes cast for him *bona fide*.

This for the purpose of showing that the voters living in the disputed territory cast their votes at the poll in the middle ward with good faith, and that the incumbent should not now be deprived of them.

JNO. A. NASH,
Attorney for Incumbent.

(Contestant objects to, because not a proper cross-examination.)

EXHIBIT H.—*H. K. Weston, Notary Public.*

Be it remembered that at a court of common pleas, held at Pottsville, in and for the county of Schuylkill, in the commonwealth of Pennsylvania, in the United States of America, on the twenty-second day of June, in the year of our Lord one thousand eight hundred and seventy-four, Edward Munlay, a native of Ireland, exhibited his petition praying to become a citizen of the United States; and it appearing to the said court that he had declared on oath, before the court of common please of Schuylkill County, State of Pennsylvania, on the seventh day of September, A. D. 1868, that it was *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was at that time a subject; and the said Edward Munlay having on his solemn oath declared, and also made proof thereof by competent testimony of William Gaughan, a citizen of the United States, that he has resided one year and upwards within the State of Pennsylvania, and within the United States of America upwards of five years immediately preceding his application; and it appearing to the satisfaction of the court that during said time he had behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and having declared on his solemn oath before the said court that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britian and Ireland, of whom he was before a subject:

And thereupon the court admitted the said Edward Munlay to become a citizen of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Pottsville, this second day of November, in the year of our Lord one thousand eight hundred and seventy- , and of

the sovereignty and Independence of the United States of America the ninety-eighth.

[SEAL.] HIRAM MOYER.
Prothonotary.

EXHIBIT I.—*H. K. Weston, Notary Public.*

Be it remembered that a court of common pleas, held at Pottsville, in and for the county of Schuylkill, in the commonwealth of Pennsylvania, in the United States of America, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-eight, Francis Garvey, a native of Ireland, exhibited his petition praying to become a citizen of the United States, and it appearing to the said court that he had declared on oath, before a court of common pleas of Schuylkill County, Pennsylvania, on the twelfth day of September, A. D. 1864, that it was *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was at that time a subject; and the said Francis Garvey having on his solemn oath declared, and also made proof thereof by competent testimony of Patrick Dougherty, a citizen of the United States, that he has resided one year and upwards within the State of Pennsylvania, and within the United States of America upwards of five years immediately preceding his application; and it appearing to the satisfaction of the court that during said time he had behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and having declared on his solemn oath before the said court that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject:

And thereupon the court admitted the said Francis Garvey to become a citizen of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Pottsville, this twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-eight, and of the sovereignty and Independence of the United States of America the ninety-third.

[SEAL.] T. J. McCAMMANT,
Prothonotary.

EXHIBIT J.—*H. K. Weston, Notary Public.*

To the honorable the judges of the court of common pleas of the county of Schuylkill:

The peitition of James Monaghan, a native of Ireland, respectfully showeth:

That your petititioner is a free white person, and an alien, and is desirous of becoming a citizen of the United States of America; that he has resided in the United States three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that, including the aforesaid three years of his minor-

ity, he has resided within the limits and under the jurisdiction of the United States five years and upward; that your petitioner has been, during all that time, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and that it has been *bona fide* his intention to become a citizen thereof.

Your petitioner therefore prays your honorable court that upon taking proof of all matters and things set forth in his petition, and complying with the requisitions of the acts of Congress on this subject, he may be admitted to become a citizen of the United States.

JAMES MONAGHAN.

John Cosgrove, a citizen of the United States, being duly sworn, doth say that the above-named petitioner, with whom this deponent is well acquainted, has resided within the limits and under the jurisdiction of the United States for three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that including the said three years of the minority of the said petitioner he, the said petitioner, has resided in the United States five years and upward; that during the last three years thereof it has been, to the best of the deponent's knowledge and belief, the *bona-fide* intention of the said petitioner to become a citizen of the United States; that during all that time he, the said petitioner, has behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

JOHN COSGROVE.

Sworn and subscribed to in open court this 2d day of January, A. D. 1872.

WM. I. MATZ, *Prothonotary.*

PENNSYLVANIA,
Schuylkill County, ss:

Be it remembered that at a court of common pleas, held at Pottsville, in and for the county of Schuylkill, the second day of January, in the year of our Lord one thousand eight hundred and seventy-two, personally appeared James Monaghan before the said court, who, upon his solemn oath, did depose and say that he is a native of Ireland, now residing in the county of Schuylkill, aged ——— years, or thereabouts, and that it is his *bona-fide* intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject.

JAMES MONAGHAN.

Sworn and subscribed in open court this 2d day of January, A. D. 1872.

WM. I. MATZ, *Prothonotary.*

I, James Monaghan, the above-named petitioner, do, on my solemn oath, declare that the contents of my petition are true; that I will support the Constitution of the United States; that I do hereby renounce and relinquish any title or order of nobility to which I am or hereafter may be entitled; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state,

and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom I was before a subject.

JAMES MONAGHAN.

Sworn to and subscribed in open court this 2d day of September, A. D. 1872.

WM. I. MATZ, *Prothonotary.*

The foregoing proceedings being had, the said court thereupon admitted the said James Monaghan to become a citizen of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Pottsville, this 26th day of September, in the year of our Lord one thousand eight hundred and seventy-two, and of the sovereignty and independence of the United States of America the ninety-seventh.

[SEAL.] WM. I. MATZ, *Prothonotary.*

EXHIBIT K.—*H. K. Weston, Notary Public.*

To the honorable the judges of the court of common pleas of the county of Schuylkill:

The petition of Patrick Heman, a native of Ireland, respectfully showeth:

That your petitioner is a free white person and an alien, and is desirous of becoming a citizen of the United States of America; that he has resided within the United States three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that, including the aforesaid three years of his minority, he has resided within the limits and under the jurisdiction of the United States five years and upward; that your petitioner has been during all that time attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and that it has been *bona fide* his intention to become a citizen thereof.

Your petitioner therefore prays your honorable court that upon taking proof of all matters and things set forth in his petition, and complying with the requisitions of the acts of Congress on this subject, he may be admitted to become a citizen of the United States.

PATRICK HEMAN.

John Purcell, a citizen of the United States, being duly sworn, doth say that the above-named petitioner, with whom this deponent is well acquainted, has resided within the limits and under the jurisdiction of the United States for three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that, including the said three years of the minority of the said petitioner, he, the said petitioner, has resided within the United States five years and upward; that during the last three years thereof it has been, to the best of the deponent's knowledge and belief, the *bona-fide* intention of the said petitioner to become a citizen of the United States; that, during all that time he, the said petitioner, has behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

JOHN PURCELL.

Sworn and subscribed in open court this 8th day of September, A. D. 1868.

THOS. J. McCAMANT,
Prothonotary.

PENNSYLVANIA,
Schuylkill County, ss:

Be it remembered, that at a court of common pleas, held in Pottsville, in and for the county of Schuylkill, the 8th day of September, in the year of our Lord one thousand eight hundred and sixty-eight, personally appeared Patrick Heman before the said court, who upon his solemn oath did depose and say that he is a native of Ireland, now residing in the county of Schuylkill, aged fifty-one years, or thereabouts, and that it is his *bona-fide* intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject.

PATRICK HEMAN.

Sworn and subscribed in open court this 8th day of September, A. D. 1868.

THOS. J. McCAMANT,
Prothonotary.

I, Patrick Heman, the above-named petitioner, do, on my solemn oath, declare that the contents of my petition are true; that I will support the Constitution of the United States; that I do hereby renounce and relinquish any title or order of nobility to which I am, or hereafter may be, entitled, and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom I was before a subject.

PATRICK HEMAN.

Sworn and subscribed in open court this 8th day of September, A. D. 1868.

THOS. J. McCAMANT,
Prothonotary.

The foregoing proceedings being had, the said court thereupon admitted the said Patrick Heman to become a citizen of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Pottsville, this 26th day of August, in the year of our Lord one thousand eight hundred and sixty-nine, and of the sovereignty and Independence of the United States of America the ninety-fourth.

[SEAL.] THOS. J. McCAMANT,
Prothonotary.

EXHIBIT L.—*H. K. Weston, Notary Public.*

To the honorable the judges of the court of common pleas of the county of Schuylkill:

The petition of Michael Monaghan, jr., a native of Ireland, respectfully showeth:

That your petitioner is a free white person, and an alien, and is

desirous of becoming a citizen of the United States of America; that he has resided within the United States three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that including the aforesaid three years of his minority he has resided within the limits and under the jurisdiction of the United States five years and upward; that your petitioner has been, during all that time, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and that it has been *bona fide* his intention to become a citizen thereof.

Your petitioner therefore prays your honorable court that upon taking proof of all matters and things set forth in his petition, and complying with the requisitions of the acts of Congress on this subject, he may be admitted to become a citizen of the United States.

his
MICHAEL + MONAGHAN, JR.
mark.

James Knox, a citizen of the United States, being duly sworn, doth say that the aboved-named Michael Monaghan, jr., with whom this deponent is well acquainted, has resided within the limits and under the jurisdiction of the United States for three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that including the said three years of the minority of the said Michael Monaghan, jr., he, the said M. Monaghan, jr., has resided within the United States five years and upward; that during the last three years thereof it has been, to the best of the deponent's knowledge and belief, the *bona-fide* intention of the said Michael Monaghan, jr., to become a citizen of the United States; that during all that time he, the said petitioner, has behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

his
JAMES + KNOX.
mark.

Sworn and subscribed in open court this 12th day of October, A. D. 1868.

THOS. J. MCCAMANT, *Prothonotary.*

PENNSYLVANIA,
Schuylkill County, ss:

Be it remembered that at a court of common pleas, held at Pottsville, in and for the county of Schuylkill, the twelfth day of October, in the year of our Lord one thousand eight hundred and sixty-eight, personally appeared Michael Monaghan, jr., before the said court, who, upon his solemn oath, did depose and say that he is a native of Ireland; now residing in the county of Schuylkill, aged twenty-four years or thereabouts, and that it is his *bona-fide* intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject.

his
M. + MONAGHAN, JR.
mark.

Sworn and subscribed in open court this 12th day of October, A. D. 1868.

THOS. J. MCCAMANT, *Prothonotary.*

I, Michael Monaghan, the above-named petitioner, do, on my solemn oath, declare that the contents of my petition are true; that I will support the Constitution of the United States; that I do hereby renounce and relinquish any title or order of nobility to which I am or hereafter may be entitled; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom I was before a subject.

his
MICH. + MONAGHAN, JR.
mark.

Sworn and subscribed in open court this 12th day of October, A. D. 1868.

THOS. J. McCAMANT,
Prothonotary.

The foregoing proceedings being had, the said court thereupon admitted the said Michael Monaghan, jr., to become a citizen of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Pottsville, this twelfth day of October, in the year of our Lord one thousand eight hundred and sixty-eight, and of the sovereignty and Independence of the United States of America the ninety-third.

[SEAL.] THOMAS J. McCAMANT,
Prothonotary.

EXHIBIT M.—*H. K. Weston, Notary Public.*

Be it remembered that at a court of common pleas, held at Pottsville, in and for the county of Schuylkill, in the commonwealth of Pennsylvania, in the United States of America, on the second day of November, in the year of our Lord one thousand eight hundred and sixty-eight, John Walsh, a native of Ireland, exhibited his petition praying to become a citizen of the United States, and it appearing to the said court that he had declared on oath, before the court of common pleas of Schuylkill County, on the first day of November, A. D. 1866, that it was *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was at that time a subject; and the said John Walsh having on his solemn oath declared, and also made proof thereof by competent testimony of James Cartey, a citizen of the United States, that he has resided one year and upwards within the State of Pennsylvania, and within the United States of America upwards of five years immediately preceding his application; and it appearing to the satisfaction of the court that during said time he had behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and having declared on his solemn oath before the said court that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject:

And thereupon the court admitted the said John Walsh to become a citizen of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Pottsville, this 26th day of October, in the year of our Lord one thousand eight hundred and seventy-four, and of the sovereignty and Independence of the United States of America the ninety-eighth.

[SEAL.] HIRAM MOYER,
Prothonotary.

EXHIBIT N.—*H. K. Weston, Notary Public.*

Be it remembered that at a court of common pleas held at Pottsville, in and for the county of Scuhylkill, in the commonwealth of Pennsylvania, in the United States of America, on the twenty-second day of January, in the year of our Lord one thousand eight huudred and fifty-five, Hugh Cafery, a native of Ireland, exhibited his petition praying to become a citizen of the United States, and it appearing to the said court that he had declared on oath, before the court of common pleas of Schuylkill County, State of Pennsylvania, on the sixth day of September, A. D. one thousand eight hundred and fifty-two, that it was *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was at that time a subject; and the said Hugh Cafery having on his solemn oath declared, and also made proof thereof by competent testimony of Daniel Ganigan, a citizen of the United States, that he has resided one year and upwards within the State of Pennsylvania, and within the United States of America upwards of five years immediately preceding his application; and it appearing to the satisfaction of the court that during said time he had behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and having declared, on his solemn oath, before the said court that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject:

And thereupon the court admitted the said Hugh Cafery to become a citizen of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Pottsville, this second day of November, in the year of our Lord one thousand eight hundred and seventy-four, and of the sovereignty and Independedce of the United States of America the ninety-eighth.

[SEAL.] HIRAM MOYER,
Prothonotary.

EXHIBIT O.—*H. K. Weston, Notary Public.*

To the honorable the judges of the court of common pleas of the county of Schuylkill:

The petition of Michael Deane, a native of Ireland, respectfully showeth:

That your petitioner is a free white person, and an alien, and is desirous of becoming a citizen of the United States of America; that he has resided in the United States three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that, including the aforesaid three years of his minority, he has resided within the limits and under the jurisdiction of the United States five years and upwards; that your petitioner has been, during all that time, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and that it has been *bona fide* his intention to become a citizen thereof.

Your petitioner therefore prays your honorable court that upon taking proof of all matters and things set forth in his petition, and complying with the requisitions of the acts of Congress on this subject, he may be admitted to become a citizen of the United States.

MICHAEL DEANE.

James O'Donnell, a citizen of the United States, being duly sworn, doth say that the above-named petitioner, with whom this deponent is well acquainted, has resided within the limits and under the jurisdiction of the United States for three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that including the said three years of the minority of the said petitioner, he, the said petitioner, has resided in the United States five years and upwards; that during the last three years thereof it has been, to the best of deponent's knowledge and belief, the *bona-fide* intention of the said petitioner to become a citizen of the United States; that during all that time he, the said petitioner, has behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

JAMES O'DONNELL.

Sworn and subscribed in open court this 23d day of September, A. D. 1872.

WM. J. MATZ,
Prothonotary.

PENNSYLVANIA,
Schuylkill County, ss:

Be it remembered that at a court of common pleas, held at Pottsville, in and for the county of Schuylkill, the 23d day of September, in the year of our Lord one thousand eight hundred and seventy-two, personally appeared Michael Deane before the said court, who, upon his solemn oath, did depose and say that he is a native of Ireland, now residing in the county of Schuylkill, aged 22 years, or thereabouts, and that it is his *bona-fide* intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject.

MICHAEL DEANE.

Sworn and subscribed in open court this 23d day of September, A. D. 1872.

WM. J. MATZ,
Prothonotary.

I, Michael Deane, the above-named petitioner, do, on my solemn oath, declare that the contents of my petition are true; that I will support

the Constitution of the United States; that I do hereby renounce and relinquish any title or order of nobility to which I am or hereafter may be entitled; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom I was before a subject.

MICHAEL DEANE.

Sworn and subscribed in open court this 23d day of September, A. D. 1872.

WM. J. MATZ,
Prothonotary.

The foregoing proceedings being had, the said court thereupon admitted the said Michael Deane to become a citizen of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Pottsville, this seventh day of October, in the year of our Lord one thousand eight hundred and seventy-two, and of the sovereignty and Independence of the United States of America the ninety-seventh.

[SEAL.]

WM. J. MATZ,
Prothonotary.

Offer No. 2. By the incumbent.

In the matter of the contested election for member of Congress from the thirteenth district of Pennsylvania.

J. L. NUTTING
vs.
JAMES B. REILLY.

Before H. K. Weston, notary public, commissioner.

And now, January 29, 1877, Brian Monaghan being called as a witness by contestant, incumbent proposes to ask witness on cross-examination whether he knew of any corrupt means being used to influence voters at the last election in favor of J. L. Nutting as a candidate for Congress, or in favor of the Republican ticket, or a part thereof, or Colonel Nutting and any part of said ticket. This for the purpose of showing that persons voted for Colonel Nutting who were bribed so to do. As the said contestant has undertaken to prove by witness that certain persons were disqualified by reason of non-payment of taxes, incumbent claiming the right, on cross-examination, to show that certain persons were corruptly influenced to vote for Colonel Nutting.

JNO. A. NASH,
For Incumbent.

Contestant objected to the testimony because it was not a proper cross-examination.

Offer No. 3. By incumbent's counsel.

In the matter of the contested election for Congress from the thirteenth Pennsylvania district.

JAMES L. NUTTING
vs.
JAMES B. REILLY.

Before Hiram K. Weston, notary public, commissioner.

And now, January 29, 1877, Edward Gorman, a witness produced by contestant, being asked if he produced his tax-receipt, produced a tax-

receipt dated October 19, 1874, for road, special, and school tax for 1874, and, in addition, said: "I paid Bryan Monaghan all the taxes that he asked of me since I came to the country." Incumbent asks that this be made part of his testimony in chief, and as such be placed upon the notes of the commissioner.

JNO. A. NASH,
Attorney for Incumbent.

Objected to by counsel for contestant. 1st. That the witness did not say anything responsive to the question asked by contestant. 2d. That the witness volunteered a conversation having no connection with the question asked by counsel for contestant.

EXHIBIT Q.—*H. K. Weston, notary public.*

We, the undersigned, judges of the court of common pleas of Schuylkill County, State of Pennsylvania, do hereby certify that at 12 o'clock, on the 9th day of November, A. D. 1876, being the second day after the election held on the first Tuesday of November, A. D. 1876, the prothonotary of the said court having presented the returns of said election according to law, and opened the same, and caused them to be computed in our presence by Thomas F. Kerns, esq., prothonotary of said court, and by C. Little, George Helms, Nicholas Heblich, and A. S. Gumpert, who were duly sworn as his assistants, and the votes cast at said election having been carefully added together by the said assistants, it appeared that for Congress James B. Reilly had 10,107 votes (ten thousand one hundred and seven); James L. Nutting had 10,026 votes (ten thousand and twenty-six).

In testimony whereof we have hereunto set our hands and caused the seal of the said court to be affixed, the day and year aforesaid.

CYRUS L. PERSHING, [SEAL.]
THOMAS H. WALKER, [SEAL.]
D. B. GREEN, [SEAL.]
N. SEITZINGER, [SEAL.]
Judges.

Attest:
[Prothonotary's seal.] THOS. F. KERNS,
Prothonotary.

PENNSYLVANIA, *Schuylkill County, ss:*

I, Thomas F. Kerns, prothonotary of the court of common pleas in and for said county, do certify that the foregoing is a true and entire copy of the "general certificate of result" of the election for Congress held in the county of Schuylkill, on the first Tuesday of November, A. D. 1876, as the same was returned to and filed in my office by the judges of the court of common pleas of Schuylkill County aforesaid.

Witness my hand and official seal, this ninth day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT R.—*H. K. Weston, Notary Public.*

	Congress.	
	James B. Reilly.	James L. Nutting.
Ashland, east ward	118	149
Ashland, middle ward	218	137
Ashland, west ward	187	195
Auburn	26	94
Barry	78	66
Blythe	102	28
Branch	62	132
Brunswick, East	159	149
Brunswick, West	194	56
Butler, East	130	14
Butler, West	52	101
Butler, South	68	49
Butler, North	145	44
Cass, North	130	20
Cass, South	214	67
Cressona, South	55	115
Cressona, North	55	50
Eldred	54	163
Foster	63	17
Frackville	84	140
Frailey	115	129
Girardville	180	199
Gilberton, middle ward	57	31
Gilberton, east ward	63	90
Gilberton, west ward	148	66
Hegins	112	113
Hubley	67	48
Kline	164	52
Landingville	53	43
Mahanoy City, 1st ward	159	76
Mahanoy City, 2d ward	83	202
Mahanoy City, 3d ward	49	159
Mahanoy City, 4th ward	64	124
Mahanoy City, 5th ward	63	129
Mahanoy, East	250	250
Mahanoy, West	267	186
Manheim, East	70	24
Manheim, North	111	76
Manheim, South	93	74
Middleport	19	27
Minersville, east ward	114	239
Minersville, west ward	136	130
Mount Carbon	44	10
New Castle	107	116
New Philadelphia	57	14
Norwegian	148	20
Norwegian, East	60	26
Orwigsburg	93	74
Palo Alto	159	80
Pinegrove Borough	43	174
Pinegrove Township	267	168
Port Clinton	52	48
Port Carbon	116	238
Porter	62	182

	Congress.	
	James B. Reilly.	James L. Nutting.
Pottsville, northeast ward	140	264
Pottsville, middle ward	211	293
Pottsville, northwest ward	146	289
Pottsville, south ward	134	339
Pottsville, southeast ward	89	126
Pottsville, north ward	134	106
Pottsville, 7th ward	72	51
Rahn	157	129
Reilly	137	76
Rush	130	107
Ryan	46	26
St. Clair, north ward	125	133
St. Clair, middle ward	101	180
St. Clair, south ward	106	172
Schuylkill, North	62	24
Schuylkill, South	5	91
Schuylkill Haven, east ward	57	119
Schuylkill Haven, north ward	49	58
Schuylkill Haven, south ward	46	88
Schuylkill Haven, west ward	48	12
Shenandoah, 1st ward	180	52
Shenandoah, 2d ward	102	104
Shenandoah, 3d ward	103	149
Shenandoah, 4th ward	48	96
Shenandoah, 5th ward	129	82
Tamaqua, east ward	175	168
Tamaqua, north ward	151	177
Tamaqua, south ward	76	239
Tremont Borough, east ward	105	64
Tremont Borough, west ward	76	61
Tremont Township	57	68
Union	127	80
Union, North	56	80
Union, East	17	125
Upper Mahantongo	120	29
Washington	196	69
Wayne, North	68	83
Wayne, South	76	51
West Penn	305	142
Yorkville	106	20
	10,107	10,026
	81	

CHRISTOPHER LITTLE,
GEO. F. HELMS,
N. HEBLICH,
A. S. GUMPERT,
Assistants.

POTTSVILLE, *November* 9, 1876.

PENNSYLVANIA,
Schuylkill County, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas in and for said county, do certify that the foregoing is a true copy of a tabular statement of the votes cast for James B. Reilly and James L. Nutting for Congress, in the several election-districts of Schuylkill County, at the election held on the first Tuesday of November, A. D. 1876, made by the assistants to the prothonotary in the presence of the judges of the said court on the ninth day of November, A. D. 1876, and on file in this office among the records of said court; said statement being indorsed by said assistants, "Tally papers of county vote of election, 7th November, 1876."

Witness my hand and seal of said office at Pottsville, this twelfth day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT S.—*H. K. Weston, notary public.*

List of voters who voted in Blythe Township, Schuylkill County, Pennsylvania, state and county election, 1876.

1 Daniel Garis
2 Isaac Stine
3 Jacob Shlier
4 Francis Miller
5 Jacob Buchler
6 Philip Wagner
7 John Schrader
8 Peter Garis
9 George Fox
10 Edward Doyle
11 John Devlin
12 Daniel Malone
13 Robert Thomas
14 Hugh St. Clair
15 Daniel Bevilhimer
16 William Winlack
17 Thomas S. Williams
18 Robert Ross
19 John Ross
20 Aaron Tubty
21 Edward Fogarty
22 Pat Fogarty
23 John Cantfield
24 Pat Cantfield
25 John Keating
26 Pat O'Connell
27 Bernard O'Donnell
28 Pat McDonnald
29 John Dougherty
30 Edward Dumphry
31 Patrick Walsh
32 John Burck
33 John Miner
34 Michael McAvoy
35 Richard Carney
36 James McGabe
37 William Martin
38 Jessie Major
39 John Clemens
40 William Major
41 S. H. Parker
42 Michael O'Brine
43 Bernard Keeffe
44 Matthew Tubby
45 Michael Dooly
46 James O'Brien
47 William Farrell
48 Michael Flanagan
49 Bernard Dougherty
50 George Dalton
51 John Dillon
52 John Brennan
53 John Head
54 Christy Morrison
55 Henry McDowal
56 Thomas Jones
57 James Cavanaugh
58 Lawrence Carrall
59 James Kirvin
60 William Curry
61 John Whelan
62 Thomas Edwards
63 Daniel Brennan
64 Michael Tolan
65 James McGee
66 Samuel Thomas
67 Patrick Flaherty
68 Patrick Johnson

69 Daniel Donahoe
70 James Fisher
71 Bryan O'Niel
72 William Purcell
73 Patrick Whelan
74 William Lawler
75 Michael Purcell
76 Rodge Quinn
77 James Smith
78 Alexander McCabe
79 Rees Winlack
80 Michael Kenna
81 James Doyle
82 Henry Donahoe
83 Edward Fogarty
84 Hugh Dougherty
85 Condy Brown
86 Miles Finley
87 Timothy O'Herron
88 Edward Cantfield
89 Peter Boran
90 James Fogarty
91 James Coyle
92 Richard Edwards
93 Charles Murray
94 Charles Rudolff
95 Hugh Shields
96 John Keeffe
97 John Davis
98 John Kenna
99 Anthony Dougherty
100 Thomas Walsh
101 Patrick Devine
102 Denis Head
103 Charles Layman
104 James McGee
105 John Larkin
106 William Armstrong
107 James Knowls
108 Patrick Callery
109 William O'Brien
110 Thomas O'Herron
111 Hugh McGettigan
112 Thomas Martin
113 Richard Coogan
114 John Rynolds
115 William Droughter
116 Noble Galbreath
117 Edward Kain
118 Patrick Mullin
119 Robert Conroy
120 Patrick Carlon
121 John Turish
122 Denis Martin
123 Patrick Earley
124 John Haughney
125 Patrick McGee
126 Thomas Keating
127 John Murray
128 Hugh Dougherty
129 Noble Clemens
130 James Coyle, age
131 James Butler
132 William Keating
133 Michael Whalen
134 James McGowan

STATE OF PENNSYLVANIA, *County of Schuylkill, ss:*

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, in and for said county, do certify that the foregoing is a true copy of a list of voters for Blythe Township in said county, filed among the records of said court the eighth day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this twelfth day of February, 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT T.—*H. K. Weston, notary public.*

List of voters who voted in North Butler Township, Schuylkill County, Pennsylvania. General election November 7, 1876.

1 Bernard Dolan
2 Charles Doherty
3 Patrick Dougherty
4 Martin Munley
5 Anthony Monaghan
6 Martin Brennan
7 John Dolan
8 Patrick McCandrew
9 Anthony Curry
10 James Kelly
11 John Rogers
12 Hugh Williams

13 Morris Conway
14 Martin Collier
15 John McKeon
16 Patrick McHale
17 Thomas Farrell
18 Anthony McCandrew
19 Lawrence Cunningham
20 Peter McCormick
21 John Naughton
22 John Nary
23 William Steinhilber, jr.
24 Bernard Fullon
25 Frederick Caag
26 Michael Murphy
27 Owen Conroy
28 Michael Lenahan
29 Theodore Schmidt
30 Peter Joyce
31 John McCay
32 Patrick Farrell
33 James Sweeney
34 William Hart
35 Patrick Roach
36 Patrick Graham
37 Michael Graham
38 Edward Boyle
39 George Baumgardner
40 Owen Cunnyngham
41 Miles Burke
42 Thomas Garah
43 Patrick Sweeney
44 James Lynch
45 John Bohan
46 Thomas Conway
47 John Carroll
48 John Dowd
49 John Hart
50 Henry McGinnis, sr.
51 Richard McHale
52 David Webber
53 Thomas Loftis
54 Thomas Webber
55 William Goff, jr.
56 Condy Cunnyngham
57 Thomas Rieley
58 Timo Brennan
59 Dominick McGuire
60 Darby McCormick
61 Patrick Roland
62 Martin Senar
63 Louis Zimmer
64 James Cain
65 Patrick Tierney
66 William Burgmann
67 Thomas Hollensworth
68 Thomas Menahan
69 Peter O'Brian
70 Martin Downey
71 Michael Steinhilber
72 Jacob Steinhilber
73 Christ. Calary
74 Patrick Hunley
75 John Martin
76 Thomas McDermot
77 August Osterman
78 Lewis Bussle
79 Thomas Cavin
80 Christ. Rieley
81 Thomas Durkin
82 Dennis Howard
83 Anthony Ferguson
84 Dennis Large
85 Patrick Keegan
86 Thomas Horan
87 John Madden
88 Owen Cannon, sr.
89 Peter O'Donnell
90 August Rausch
91 Edward Griffith
92 William Williams
93 Thomas Horsewood
94 William Goff, sr.
95 Thomas Cavanagh
96 Thomas Roland
97 John Scully
98 James Howard
99 James McGrue
100 Lewis Steinhilber
101 Dennis Munley
102 Anthony Roland
103 Patrick Welsh
104 Patrick Jeffers
105 Edward Flinn
106 Dennis Quirk
107 Patrick Cullen
108 John Finnigan
109 James O'Neill
110 Michael Healy
111 August Alls
112 Michael Kanary
113 Martin Deane
114 Patrick Quinn
115 Patrick Healy
116 George Markwood
117 Henry Pitts
118 Patrick McDonnell
119 Anthony McCandrew
120 Frank McDonnell
121 Patrick Coyle
122 Patrick McCormick, No. 2
123 Patrick McManamen
124 Michael Sheeran

125 Patrick McCormick, No. 3
126 Michael Horan
127 Thomas Horan
128 Bryan Monaghan, No. 1
129 Gomar Williams
130 Lawrence Casey
131 John Monaghan
132 John Kelly
133 Thomas Durkin, sr.
134 James McHale
135 Patrick Gallagher
136 Thomas Ferguson
137 Jacob Steinhilber, jr.
138 Peter McDonnell
139 Darby Coyle
140 Frank McCoy
141 Patrick Ginley
142 Thomas Malowney
143 John McHale
144 Dan Gallagher
145 Michael Ginley
146 Frank Faust
147 John Carney
148 Michael Fahey
149 Patrick Ginty
150 John Keegan
151 Michael Connor
152 Anthony Conway
153 Maurice Fitzgerald
154 John Mack
155 Robert Dillon
156 Pat Fahey
157 Hugh Hart
158 John Duffy
159 Alex. Deitsch
160 John Baumgardner
161 Owen Cannon, jr.
162 Henry McGinnis
163 William Dolan
164 Thomas Langon
165 James McDermot
166 John Casey
167 Patrick Harley
168 Harry Manks
169 Edward Joyce
170 James Toole
171 Patrick Murphy
172 Edward O'Neil, sr.
173 Martin O'Neil
174 Edward O'Neil, jr.
175 James Kirby
176 James Rowland
177 William Rourke
178 John McCougne
179 William Kirby
180 Patrick Langan
181 Bryan Monaghan, No. 2
182 Edward McTigue
183 John Myers
184 John Bussle
185 Peter Holvey
186 James Joyce
187 John Cunnyngham
188 Thomas Scully
189 Thomas Joyce.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County aforesaid, do certify that the foregoing is a true copy of the list of voters for North Butler election-district in said county, as filed among the records of said court on the 8th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 10th day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS, *Prothonotary.*

EXHIBIT U.—*H. K. Weston, Notary Public.*

List of voters who voted in East Butler, Schuylkill County, Pennsylvania, November election, 1876.

1 Michael Nolan
2 John B. Lovett
3 Patrick Brown
4 John Craven
5 Peter Oswald
6 Anthony Gaughan
7 Patrick Conrey
8 Martin Barrett
9 Anthony King
10 Joseph Thomas
11 Napoleon Thomas
12 John Boylan

13 Patrick Brahaney
14 Patrick McDonald
15 John McDonald
16 John McDonald
17 John Bohanna
18 Peter Kinney
19 Benjamin Thomas
20 Patrick Mullowney
21 Michael Gallagher
22 Terrence Scanlin
23 Patrick Padden
24 John Hoben
25 Michael McGonigil
26 Charles Dougherty
27 John Canfield
28 Michael Mumelly
29 Edward Kinney
30 Thomas Dougherty
31 Thomas Devaney
32 Thomas Griffiths
33 John Coogan
34 Anthony Carey
35 Edward Gorman
36 Patrick Scanlin
37 Thomas Hobin
38 Anthony Noon
39 Daniel Hinkle
40 James Ryan
41 Martin Mena
42 David Hopkins
43 James Hopper
44 Andrew Heally
45 Edward Colahan
46 David Billman
47 Daniel Loftus
48 Patrick McAndrews
49 Patrick Burns
50 Philip Erwin
51 John Erwin
52 John Gaughan
53 ——— ———
54 Evan Thomas
55 John Garvin
56 William Bicker
57 Anthony Craig
58 John McLarkey
59 Andrew Fox
60 Dominick Crane
61 William Brown
62 Michael O'Hara
63 Michael Colihan
64 Patrick Houston
65 Lawrence Heffron
66 Patrick Huley
67 Richard Matthews
68 Michael Moran
69 Adam Malt
70 Michael Cuff
71 John Howe
72 Martin McDonald
73 James Boas
74 James Murphy
75 Michael Riely
76 John Gallagher
77 John Barrett
78 John Monaghan
79 Owen McLain
80 John Conlin
81 Henry Mills
82 John Barrett, sr.
83 Thomas Tallot
84 Patrick McDonald
85 Patrick Curley
86 Andrew Gallagher
87 James Conery
88 Patrick Barrett
89 Evan Thomas
90 James McLarkey
91 Michael Mullen
92 Patrick Feeny
93 Thomas Francis
94 Michael Devaney
95 Thomas Franey
96 James Carey
97 Patrick Gannon
98 Bryan Heffron
99 John McCoulough
100 Martin Hinely
101 Thomas Feeny
102 Michael Barrett
103 Martin Haley
104 Edward Barrett
105 Patrick Loftus
106 William Mullen
107 John Sullivan
108 Michael Kilker
109 Thomas Heffron
110 Richard Flyn
111 Michael Scanlin
112 Frank Mulligan
113 Philip Hooton
114 Michael McAndrew
115 Patrick Hamberry
116 Thomas Rielly
117 Anthony Monaghan
118 William Mullen
119 Michael O'Donnell
120 John O'Donnell
121 James O'Donnell
122 Patrick O'Donnell
123 Malicha Gorman
124 Martin McAvoy

125 John O'Donnell
126 Edward Conrey
127 William Bradbury
128 Crawford Benney
129 Thomas Nolan
130 Patrick Nolan
131 Edward Joyce
132 Hugh Rock
133 Anthony Gallagher
134 Lawrence Gaughan
135 Patrick Dougherty
136 Owen Dougherty
137 George Dougherty
138 Thomas Denin
139 Daniel Carey
140 Anthony Gaughan
141 John McDonald
142 Michael Davit
143 James Judge
144 John Crane
145 Martin Stinson

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County aforesaid, do certify that the foregoing is a true copy of the list of voters for East Butler election district in said county, filed among the records of said court on the 8th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 10th day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT V.—*H. K. Weston, Notary Public.*

List of voters who voted in South Butler election district, Schuylkill County, Pennsylvania, November election, 1876.

1 Stephen Hickey
2 George Hadesty
3 Henry Gender
4 Theodore Gunther
5 William Durnsire
6 Goodheart Weismiller
7 Frederick Fleetman
8 George Young
9 Nicholas Miller
10 August Snyder
11 Stephen Miller
12 William Garner, (age.)
13 Thomas Brennan
14 Samuel Shoemaker
15 Charles Shoemaker
16 Charles Mader
17 William Kirk
18 Lewis E. Bolich, (age.)
19 James Hurnlaff
20 Charles Newman
21 John Murphy
22 Martin Gill
23 Henry Connor
24 Jacob Fisher
25 Montgomery Shanon
26 R. C. Wilson
27 Peter Kluck
28 George Rife
29 John Fiedler, sr.
30 Charles Paul
31 Charles A. Seitzinger
32 Nathan Bolich
33 Michael Shannon
34 John Heffron
35 Patrick Lowrey
36 Joseph Muncks
37 John Matten
38 George Uhl
39 Patrick Mullen
40 Patrick Malarkey
41 Martin Wearer
42 Michael Kelly
43 Michael Kelly
44 John Houberger
45 John Hoyn
46 Hugh Dunn
47 Henry Haufenstein
48 William Klinger
49 Patrick Burke
50 Lewis Wearer
51 Franklin Treibley
52 Francis Fetterman
53 Alex. Durnsire
54 George Young

55 George Peters
56 Frederick Reichwein
57 Daniel Deitch
58 Frederick Myers
59 Samuel Strohecker
60 George Snyder
61 John Connelly
62 Frank McDurmough
63 Samuel Lochel
64 Michael Boilan
65 Jacob Benner
66 Samuel Dunkleberger
67 Daniel Paul
68 Patrick McGrei
69 Andrew J. Paul
70 John A. Garner
71 H. H. Seitzinger
72 Edward Carr
73 Henry M. Seitzinger
74 W. Seitzinger
75 George Fetterman
76 Joseph Rover
77 Owen Conlihan
78 Paul Paul
79 John Mendler
80 Dennis Murphy
81 Jesse Miller
82 John Gable
83 William Kropp
84 Kasper Walter
85 Patrick McKearns
86 Patrick O'Neil
87 Henry Myers
88 Edmund Samuel
89 Frederick Grusha
90 Henry Myers, jr., (age.)
91 Frank Earnst
92 Jefferson Ammerman
93 Alphonse Ammerman
94 William Ramsey
95 Joel Haufenstein
96 Isaac F. Reed
97 Wesley Huffman
98 Ernst Gender
99 Peter Fisher
100 Lawrence Merket
101 Peter F. Kline
102 Thomas Quirk
103 John Tennerel, (age.)
104 Francis Mullen
105 John Scott
106 Jacob Stephens
107 John Fetterman
108 Thomas M. Yost
109 Thomas Mullen
110 William Quirk, (age.)
111 John Uhl
112 Joseph Horn
113 William Y. Payne
114 Abe Brazelton
115 John Payne
116 Thomas Crosswell
117 John White
118 Joseph Seltzer

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County aforesaid, do certify that the foregoing is a true copy of the list of voters for South Butler election district in said county, filed among the records of said court on the 8th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 10th day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT W.—*H. K. Weston, Notary Public.*

List of voters who voted in Cass, North, Schuylkill County, Pa., November election, 1876.

1 August Pasquary
2 William R. Wilds
3 Thomas Briggs
4 Sommerfield C. Wilde, (age.)
5 George Wilde
6 Thomas Finnell
7 John Hay
8 John O'Donnell
9 John Hogan
10 John Duff
11 John Whalen
12 Thomas Finnell, jr

13 John Quirk
14 Edward O'Brien
15 Patrick Cassidy
16 Charles F. Heims
17 M. H. Walsh
18 Mathew Cahill
19 James O'Conner, (age.)
20 Joseph Walsh
21 Thomas Cummings
22 Patrick Lawler
23 Arthur McManny
24 James Mahony
25 Thomas McGuire
26 Michael Bernnan, W.
27 Patrick Ford
28 Thomas Eagan
29 William Brennan Rush
30 James Moore
31 Henry Bambrick
32 John Moore, R.
33 Thomas Burns
34 Edward McGrath
35 William Fennel
36 Alleck McDonald
37 Daniel Confair
38 John Confair, (age.)
39 Thomas Conville
40 John Allen
41 Thomas O'Connor
42 William M. Mourtrie
43 Patrick Hughes
44 Michael O'Connor
45 James O'Brien
46 Patrick McGuire
47 Martin Cahill
48 James Nash
49 John Hughes
50 Edward Delaney
51 Jas. Adams
52 John Hobin
53 Thomas James
54 Patrick Clancy
55 James Purcell
56 William Fogle
57 William Britt
58 Martin Prendergast
59 Richard Hennessy
60 Michael Wade
61 Patrick Wade
62 William Hunt, (age.)
63 David Perkins
64 Michael Cahill
65 Timothy Brennan
66 Lag Campion
67 Nicholas McGrath
68 James Bergan
69 Thomas Kennedy
70 Thomas Brennan
71 Oliver Walsh
72 Benjamin Clace
73 John Moran
74 Edward Stapleton
75 James Nolan
76 John Curran
77 Mathew Colo
78 Michael Butler
79 John Wright
80 Patrick Cavanagh
81 James Lynch
82 John Kelly
83 Bart Calaghan
84 Michael Cantwell, (age.)
85 Thomas King
86 James Murphy
87 Patk. Cranney
88 Patk. Adams
89 Thomas Moores
90 James O'Connor
91 Thomas Scully
92 John Murphy
93 Patk. Murphy
94 John Brennan, R.
95 Jeremiah Curran
96 Patrick McDonald
97 Philip Shore
98 Patrick Close
99 Cornelius Leary
100 James Clancy
101 Edward Clancy
102 Patk. Cahill
103 William Condrin
104 Patk. Coogan
105 Joe Newell
106 Andrew Foley
107 Edward Ryan
108 Richard Hughes
109 Michael Fitzpatrick
110 William Moore
111 Michael Shore
112 John Lee
113 Michael Quinn
114 Thomas Ryan
115 William McGee
116 Thomas Walker
117 Michael Brennan, L.
118 Martin Grace
119 Edward Murphy
120 Humphrey Horan
121 Edward Kennedy
122 George Madden
123 Michael Brennan, S.
124 John Walsh

125 George Williams
126 John Horan
127 John Bergan
128 Timothy Reardon
129 Patrick Ryan
130 Michael Brennan, (Big.)
131 James Cavanagh
132 Lawrence Crennan
133 William Ryan
134 William Walsh
135 Patrick Bergan
136 William Bowers
137 William Sweeney
138 Thomas Brennan, P.
139 Thomas Coon
140 Eli Evans
141 Pat. McDonald
142 John Nash
143 Patrick Mulhall
144 Peter McAvoy
145 Michael O'Brien
146 Michael Delaney
147 James Grace
148 Martin McAvoy
149 William McAvoy
150 John Purcell

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County aforesaid, do certify that the foregoing is a true copy of the list of voters for North Cass election district, in said county, as filed among the records of said court on the 8th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this tenth day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT X.—*H. K. Weston, Notary Public.*

List of voters who voted in South Cass, Schuylkill County, Pennsylvania, November election, 1876.

1 Owen Ornalery
2 John Lybach
3 Jas. Butler
4 Jas. Butler
5 Richd. M. Adams
6 Nicholas Lybach
7 Patk. Derrick
8 Wm. Clarke
9 Nicholas Miller
10 John Keefer
11 Wm. Felix
12 Thos. Davis
13 George Beck
14 Thomas Rhodes
15 Robert Dolbin
16 Luke McCabe
17 William McHale
18 Thomas Fowler
19 William Mapstone
20 Chas. McCawley
21 John Ornallery
22 Ephraim Davis
23 James Connery
24 Edward Langdon
25 Owen Reilly
26 Lewis E. Jones
27 Owen McCormac
28 Patk. Haggerty
29 Thos. Moran
30 Patk. Derer
31 Nicholas Betz
32 Henry Miller
33 Jas. Curran
34 David Roberts
35 Jacob Malley
36 Thomas Robinson
37 Samuel Berger
38 John Couchlin
39 Edward O'Brien
40 Wm. Dormer
41 Patk. Langdon
42 Wm. Lynch
43 Patk. Hart
44 Simon Herwig
45 Thos. Costellow
46 Evan Hopkins
47 Jas. Patton
48 Thos. Eastcock
49 Joseph O'Donnell
50 Jeremiah Buggy

51 Dennis Hickney
52 Theodore Heilman
53 John Dolbin
54 Patk. Fadden
55 Anthony Luddon
56 James Fadden
57 John O'Neil
58 Patk. Curran
59 Thos. Wood, jr.
60 John W. Morgan
61 Wm. Cook
62 Martin Clansy
63 John Lawlor
64 Philip Doley
65 Patk. Langdon
66 Francis Gallagher
67 James Black
68 George Hancock
69 Benjamin Brace
70 John Sheaffer
71 John Adams
72 Martin Farrell
73 Simon Stapleton
74 Michael McGurl
75 Patrick Gannon
76 Peter Zuppert
77 Michael Feeney
78 Patrick Donlavy
79 Robert Gilgore, jr.
80 Francis Gallagher
81 John Butler
82 John Burke
83 John Rowe
84 William Purcell
85
86 Richard Purcell
87 Patrick Reilly
88 Richard Davis
89 James O'Leary
90 Vaughn Morgans
91 Abraham Lynch
92 Martin Coregan
93 Thomas Mohan
94 William Jinkins
95 John R. Hughes
96 John Morgans
97 Solomon Hancock
98 William Murphy
99 William O. Davis
100 William Williams
101 August Orph
102 William Prosor
103 Daniel Anus
104 Martin Corigan
105 Thomas Ward
106 William Madden
107 John Malley
108 Thomas Tooler
109 Michael Kelly
110 Anthony McHall
111 John McMichael
112 James Clark
113 Edward Edwards
114 John Fadden
115 John McKeown
116 James McKeown
117 Sebastian Ormmurnter
118 John G. Schutes
119 Michael Kelly
120 Rudolph Gable
121 Robert Rickerts
122 James Nesbit
123 John Hastings
124 Patk. Dougherty
125 John Toole
126 Daniel Hoch
127 Fred. Hoffman
128 David Walsh
129 Lawrence Kelly
130 Luke Mohan
131 David Price
132 John R. James
133 James Brogan
134 Amlet Haskins
135 Michael Gavin
136 Martin Brennan
137 Michael Feeney
138 Patrick O'Neill
139 Patrick Rodgers
140 Patrick Shortall
141 Richard Canfield
142 Martin Cavanah
143 Patrick Penderghast
144 John McNelis
145 Charles McDonald
146 Philip Clarke
147 Philip Hummell
148 John Reilly
149 James T. Kelly
150 Joseph Duff
151 William Doran
152 Michael Donohoe
153 John J. Morgan
154 Daniel McMichael
155 Patrick McHale
156 Wm. Shooball
157 Wm. Gordon
158 Gottleib Auba
159 Daniel Brennan
160 Martin O'Brien
161 Benj. Howells
162 Hugh O'Neil

163 Patk. Coyle
164 James Dougherty
165 James Purcell
166 Charles Zuppert
167 Thomas Carroll
168 M. C. Butler
169 Wm. Delaney
170 Patk. Murphy
171 John Leary
172 Thomas Gibbons
173 Thomas Ryan
174 George Malley
175 Patrick Haley
176 James Daniels
177 George Tracey
178 Patrick Buggy
179 Michael Walsh
180 George Alberts
181 Sam. Taylor
182 John Wilcox
183 Wm. Moore
184 John Phillips
185 Thomas Moore
186 John Kelly
187 Anthony Carroll
188 Dennis Conly
189 Michael Corby
190 Abram Jenkins
191 David Hammer
192 Thos. R. Jones
193 James Price
194 Michael O'Neil
195 Tereener Reilly
196 Andrew Killmurry
197 Nicholas Schultz
198 Henry Carsell
199 Wm. T. Davis
200 John Reilly
201 Michael Kelly, 2nd
202 Henry Betz
203 Patk. Joyce
204 Edward Foley
205 John F. Walsh
206 Edw. Brady
207 Frank Brady
208 Hugh Brady
209 James Comeford
210 John Gallagher
211 Thomas E. Brennan
212 Patrick Gannon
213 Michael Gannon
214 Daniel Anns
215 John Murphy
216 Morgan Havard
217 George Gilgore
218 James Doyle
219 John McGuire
220 George Burkes
221 Thomas Farrell
222 Patrick Nalty
223 Patrick Harkins
224 Michael Laffy
225 Joseph O'Neil
226 Owen Smith
227 Lawrence Butler
228 John Failoy
229 Michael Gavin
230 Henry Penderghast
231 Michael Daley
232 Matthew Quinn
233 Edw. Tobin
234 Terrence Farley
235 Richard Penderghast
236 Patrick Brem
237 Stephen Trout
238 Martin Derham
239 John Arthurs
240 Dennis Doyle
241 George Slam
242 James Lynch
243 Michael Dormer
244 Thomas Carroll
245 John H. Reilly
246 Frank Gordon
247 William Brem
248 John Langdon
249 William Brem
250 Patrick Canfield
251 Martin Murphy
252 Patrick Barney
253 Henry Cassidy
254 Stephen Lane
255 Thomas Dormer
256 Thomas Doyle
257 Patrick Hopkins
258 John Hart
259 Jas. Doyle, jr.
260 Edw. Curran
261 Charles Quinn
262 David Brown
263 David Hancock
264 Edward Hockney
265 Law. Murphy
266 James Tracey
267 Martin Golden
268 William J. Bell
269 Wm. Bell
270 Thos. Brennan
271 Martin Fensy
272 William Bettinger
273 Martin Muldoon
274 Terrence O'Brien

275 William Malley
276 Martin Kearney
277 Thomas Thomas
278 James Brennan
279 Frank Kearney
280 Richard Fitzpatrick
281 Thomas D. Davis

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County aforesaid, do certify that the foregoing is a true copy of the list of voters for South Cass election-district, in said county, as filed among the records of said court on the 8th of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this tenth day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT Y.—*H. K. Weston, Notary Public.*

List of voters who voted in the middle ward of Gilberton borough, Schuylkill County, November 7, 1876.

1 Abr. Davis, Maizeville.
2 Stephen Middleton, Maizeville.
3 Edward Greealgh, Maizeville.
4 George Simmonels, Maizeville.
5 John D. Evans, Maizeville.
6 John Quiner, Maizeville.
7 Andrew Leary, sr., Maizeville.
8 William Jackson, sr.
9 Edward Singleton, Maizeville (age).
10 William Irvin, Maizeville.
11 William J. Smith, Maizeville.
12 Thomas McLaughlin, Maizeville.
13 John Leahy, Maizeville.
14 Philip Jones, Maizeville.
15 Ralph Oliver, Maizeville.
16 James Leahy (age), Maizeville.
17 John Dolan, Maizeville.
18 Michael McKeone (age), Maizeville.
19 Silas Thompson, Maizeville.
20 Wm. Coats, Maizeville.
21 Pat Hoarn, Maizeville.
22 Frank McKeone, Maizeville.
23 James Monophy (age).
24 Thomas McCoy, Maizeville.
25 Conrad Gottschall (tax), Maizeville.
26 John Francis (tax), Maizeville.
27 Jeremiah Evans, Maizeville.
28 Mathew Francis, Maizeville (tax).
29 John Reagan, Maizeville.
30 Henry Jackson, Maizeville (age.)
31 Thomas Painter, Maizeville.
32 Myels Roach, Maizeville.
33 Morris Burchill, Maizeville.
34 James Roach, Maizeville (tax).
35 John A. Dutter, Maizeville.
36 William Smith, Maizeville.
37 Owen Delay, Maizeville.
38 Franics Oboyl Maizeville (tax).
39 Philip Hagerty, Maizeville (tax).
40 Thomas N. Mourphy, Maizeville (tax).
41 James Irvin, Maizeville.
42 James Quinn, Maizeville.
43 Thomas McCook, Maizeville.
44 Stephen Eltringham, Maizeville.
45 John Cook, jr., Maizeville.
46 Wm. Burchill, Maizeville.
47 John O. Brine, Maizeville.
48 Thomas Kating, Maizeville.
49 William R. Middleton, Maizeville.
50 P. W. Purcell, Maizeville.
51 Robt. Fairlie, Maizeville.
52 Brian Farrel, Maizeville.
53 John Coats, Maizeville.
54 Wm. Devine, Maizeville.
55 John Dogherty, Maizeville.
56 James Mourphy, Maizeville.
57 Bernard McKeone, Maizeville.
58 James Mourphy, Maizeville.
59 John C. Moury, Maizeville.
60 Richard Mourphy, Maizeville.

61 Edward Davis, Maizeville.
62 John Ryan, Maizeville.
63 David Clancy, Maizeville.
64 Patrick Coffield, Maizeville.
65 Andrew Leary, Maizeville.
66 Stepho Middleton, sr., Maizeville.
67 John Galagar, Maizeville.
68 Snouse Eltringham, Maizeville.
69 Henry O. Kane, Maizeville.
70 James Coffield, Maizeville.
71 Christopher Carlin, Maizeville.
72 Peter Coffield, Maizeville.
73 Mich'l Leary, Maizeville.
74 Patrick McLaughlin, Maizeville.
75 John Ganan, Maizeville.
76 Patrick Clancy, Maizeville (age).
77 Malick Farrel, Maizeville.
78 John O'Boyl, Maizeville.
79 Richard Herd, Maizeville.
80 John Burchill, Maizeville (age).
81 James McLaughlin, Maizeville (age).
82 Thomas O'Boyl, Maizeville, (age).
83 John Eltringham, Maizeville.
84 Thomas Brinnen, Maizeville.
85 J. J. Moyer, Maizeville.
86 Michel Ryan, Maizeville.
87 James Hoarn, Maizeville.
88 Robt. Parry, Maizeville.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, do certify that the foregoing is a true copy of the list of voters for middle ward of Gilberton borough in said county, filed among the records of said court the 8th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 10th day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT Z.—*H. K. Weston, Notary Public.*

List of voters who voted in Kline Township, Schuylkill County, Pennsylvania, November 7, election 1876.

1 James Lewis
2 George Robertson
3 David P. Jones
4 Peter McDevitt
5 Dennis O'Donnell
6 Michael Kelly
7 James Haggarty
8 David Gildea
9 J. L. Booth
10 James Mullen
11 Matthew Cumming
12 John McFadden
13 William Bellingsley
14 George Kaise
15 James McNellis
16 James S. Brown
17 Daniel Brobst
18 John Hernehen
19 Jacob Newhower
20 William Gordon
21 John Cook
22 James McBrearty
23 John Gorman
24 Herbert Thomas
25 John W. Newhower
26 Darias Thomas
27 Condy Gildea
28 James Whitehead
29 John B. Gallagher
30 Michael Cunningham
31 John P. O'Donnell
32 Thomas Gallagher
33 Patrick Lafferty
34 Philip Riley
35 Thomas T. Williams
36 Joseph Baker
37 John Tomany
38 Isaac Phillips
39 Connel McGee
40 Michael O'Donnell
41 Joseph Lynts
42 Michael Castle
43 Thomas Brennan
44 John F. Perry
45 Robert Marshall
46 Andrew Coyle

47 John McDonald
48 Hugh Garrahan
49 Thomas Stapleton
50 William H. Connelly
51 Neal McNelis
52 John Sharkey
53 Simon Heeney
54 John Fitzgerald
55 Michael Riley
56 Matthew Dailey
57 William Keeley
58 Robert Marshall
59 Oswald Pfaffer
60 David S. Davis
61 William R. Evans
62 Patrick Walsh
63 Henry Madder
64 Michael Burns
65 James Gildea
66 William T. Austin
67 Edward Purcell
68 Peter Boyle
69 Edward Goodman
70 Patrick McNelis
71 Patrick McDermett
72 Patrick O'Donnell
73 William Curry
74 William Marshal
75 William Ferry
76 John McGlin
77 Patrick Burns
78 Patrick McBride
79 Daniel Scanlan
80 Evan Jones
81 Roger O'Donnell
82 Jacob Roberts
83 Patrick Brady
84 Jeremiah Conaghan
85 Thomas Doulin
86 Michael Cullanan
87 Dennis O. Heron
88 Michael Shaughnesey
89 Owen Gallagher
90 Abraham Turnback
91 James Muldowney
92 David Thomas
93 Joseph Marsh
94 Michael Ferry
95 Frank Gallagher
96 Charles Boyle
97 Thomas Beveridge
98 Neal R. Johnson
99 Patrick Mullen
100 James Mullen
101 Hugh Ferry
102 James Brennan
103 Thomas Mulvey
104 James Cunningham
105 Luke Whitaker
106 Michael O'Donnell
107 Thomas Smith
108 James Boyle
109 John Dailey
110 William McFadden
111 Dennis McCoole
112 John Hultsizer
113 John Whitaker
114 Allen Robertson
115 John Mundy
116 Barney O'Donnell
117 Patrick Manly
118 Patrick Boner
119 Patrick Gallagher
120 David Byrne
121 Patrick Garey
122 Peter Felte
123 James McLaughlin
124 Edward McGlinn
125 Michael Lynch
126 Coner Haggarty
127 Patrick B. Boyle
128 James Stapleton
129 Edward Ferry
130 Patrick Friel
131 John Newblergen
132 Lewis Williams
133 John McHugh
134 Edward Coffee
135 James McCarten
136 Thomas Castle
137 Patrick J. Boyle
138 Lewis Baker
139 John McCaffert
140 Edward O'Donnell
141 Christopher Miller
142 John Flynn
143 Reese Davis
144 Charles Cull
145 Patrick Martin
146 John Moran
147 Henry Spangler
148 Barney Burns
149 John McGee
150 Matthew Crossen
151 Nathan Turnback
152 John Garvey
153 Samuel Watkins
154 Jerry Burns
155 John Kelly
156 John McCabe
157 Neal O'Donnell
158 George McConnell

159 Fred Boyle
160 James Shearer
161 Hugh McCafferty
162 John Algier
163 Edward Mulligan
164 John Robertson
165 Peter Cull
166 Patrick N. Boyle
167 Bavid Beynon
168 Jacob Babst
169 Daniel Boyle
170 Dennis McGinley
171 Robert Taylor
172 William C. Spangler
173 Daniel Williams
174 James Boyd
175 Condy Boyle
176 Edward Muldowney
177 John Beynon
178 Patrick McShea
179 Charles Diver
180 Hugh McCready
181 Daniel McCafferty
182 Peter Thomas
183 Jonathan Edwards
184 John Boyle
185 Michael Collins
186 Edward Charleton
187 Daniel McGheehan
188 Charles Gallagher
189 Lewis Francis
190 Daniel Phillips
191 James Castle
192 Philip Crossen
193 John Fouse
194 William Mowrey
195 Reuben Schultze
196 Barney Burns, jr.
197 Dennis Byrne
198 William E. Maloney
199 Manus Malory
200 David Howells
201 William Mellin
202 John McDevitt
203 John Boyle
204 Robert Dawson
205 Brotus Langin
206 Hugh Boyle
207 Michael Kelly
208 John Clerk
209 Neal Diver
210 Patrick Dunleavy
211 William J. Thomas
212 James W. Andrews
213 Thomas Banaghan
214 Daniel Gallagher
215 John Francis
216 John Schultz

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, do certify that the foregoing is a true copy of the list of voters for Kline Township, in said county, filed among the records of said court the 8th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 10th day of February, A. D. 1877.

[SEAL.]

THOS. F. KERNS,
Prothonotary.

EXHIBIT A A.—*H. K. Weston, Notary Public.*

List of voters of West Mahanoy Township, November 7, 1876.

1 L. S. Hay, tax.
2 Paul Quick, tax.
3 Thomas Edwards, tax.
4 Thos. J. Williams, tax.
5 H. G. E. Bensinger, tax.
6 Charles Hyens, tax.
7 Daniel Cregar, tax.
8 H. I. Beckleman, tax.
9 Samuel Crisher, tax.
10 Daniel Miller, tax.
11 A. H. Jackson, tax.
12 R. L. Hay, tax.
13 Edward Cain, age.
14 Frank McGovern, tax.
15 David Metz, tax.
16 John M. Price, tax.
17 Austin Bradshaw, tax.
18 James Donaldson, tax.
19 P. W. Keifaber, tax.
20 John Guise, tax.
21 T. W. Davis, tax.
22 Geo. W. Johnson, tax.

23 William W. Louis, tax.
24 Samuel Miller, tax.
25 Joseph Cain, tax.
26 David Thompson, tax.
27 John J. Jarvis, tax.
28 Thomas W. Taylor, tax.
29 Patrick Joyce, tax.
30 Hary Owens, tax.
31 Herman Newhouse, tax.
32 John Becker, tax.
33 John Leip, tax.
34 Thomas Tweedle, tax.
35 Patrick Deane, tax.
36 Thomas Tempest, tax.
37 Thomas Crosby, tax.
38 John Campbell, tax.
39 Geo. H. Miller, tax.
40 Geo. Armrod, tax.
41 Levi Eberly, tax.
42 John T. Leop, tax.
43 William Roberts, tax.
44 David Nicholas, tax.
45 A. D. Brown, tax.
46 F. E. Bensinger, tax.
47 Peter E. Bean, tax.
48 Alfred Kedow, tax.
49 Francis Roads, age.
50 Geo. Lindermuth, tax.
51 Thos. D. Williams, tax.
52 Edward Burke, tax.
53 Michael Deane, 1st, tax.
54 Thomas H. May, tax.
55 H. D. Price, tax.
56 Joseph Metz, tax.
57 Samuel R. Brown, tax.
58 Anthony Monely, 1st, tax.
59 Anthony McLoughlin, tax.
60 John Burns, tax.
61 Richard Murphy, tax.
62 John Lynch, tax.
63 Patrick Kilem, 1st, taxes.
64 W. H. Heaton, taxes.
65 James Murphy, taxes.
66 Michael Monahan, taxes.
67 Isaac L. English, taxes.
68 Thomas B. McLoughlin, taxes.
69 Thomas Brophy.
70 Joseph Griffin, age.
71 John W. Bedford, tax.
72 John R. Porter, tax.
73 Patrick McLoughlin, tax.
74 Thomas Kelly, tax.
75 D. P. Brown, tax.
76 Joseph Reese, tax.
77 Luis Ebner, age.
78 Andrew Bearman, tax.
79 Fred. Bearman, tax.
80 Geo. May, tax.
81 Michael O'Boyle, tax.
82 Edward Hereghty, tax.
83 Martin Hobin, tax.
84 James Hereghty, tax.
85 Thomas Sykes, tax.
86 Owen Monaghan, tax.
87 James Dixon, tax.
88 James Metz, tax.
89 Patrick L. Monaghan, tax.
90 Patrick Furlong, tax.
91 Daniel Koch, tax.
92 Samuel Smail, tax.
93 Terrance Deane, tax.
94 William Owens, tax.
95 I. D. Ledden, tax.
96 Michael McLarkey, tax.
97 Joseph Corps, tax.
98 Jacob Metz, tax.
99 James Noland, tax.
100 David Miller, tax.
101 George Williams, age.
102 James Heaton, tax.
103 Michael Noone, 1st, tax.
104 C. H. Smith, tax.
105 John McGovern, age.
106 Jacob Willard, tax.
107 John Berklebach, tax.
108 William France, tax.
109 Patrick Mooney, tax.
110 A. H. Cluck, tax.
111 James Kelly, tax.
112 John Dougherty, tax.
113 John Parcell, tax.
114 Patrick Moran, tax.
115 Michael Noone, 3d, tax.
116 Frank Geise, age.
117 George Fleigel, age.
118 Martin Roland, tax.
119 Anthony Crane, tax.
120 Frank Donahoe, tax.
121 Bernard Howser, tax.
122 John H. Parrot, tax.
123 James Crofford, tax.
124 Michael Carey, tax.
125 Michael Kelly, tax.
126 John Clarey, tax.
127 James Condren, age.
128 Patrick Walsh, tax.
129 John M. Delaney, tax.
130 W. H. Lewis, tax.
131 O. A. Cime, tax.
132 Edward Murphy, tax.
133 C. W. Newhouse, age.
134 John Higgins, tax.

135 Henry Reese, tax.
136 Thomas Kenidy, tax.
137 Charles E. Koch, tax.
138 Michael O'Boyle, tax.
139 John Frell, tax.
140 Thomas Curley, tax.
141 Edward Housten, tax.
142 Bartley Flannery, tax.
143 Mathew Shaw, tax.
144 William Thickens, tax.
145 Michael Noone, 2d, tax.
146 Michael E. Kelly, tax.
147 Patrick Nevin, tax.
148 Denis, Curduff, tax.
149 Patrick Murphy, tax.
150 Anthony McEntyre, tax.
151 John Healy, tax.
152 Patrick McLain, tax.
153 John Carr, tax.
154 John Burke, sr., tax.
155 James Cosgrew, tax.
156 Anth. McLoughlin, tax.
157 Michael Breslin.
158 Patrick Cuff.
159 Patrick Deane, 1st, tax.
160 Edward Halton, tax.
161 Franklin Eberley, tax.
162 Robert Peel, tax.
163 William Rowan, tax.
164 Charles Dougherty, tax.
165 Anthony Dixon, tax.
166 John Motz, tax.
167 William Harkins, tax.
168 John G. Rentzel, tax.
169 John Gedley, tax.
170 John Strile, tax.
171 Richard Moore, age.
172 Terrence McGuire, tax.
173 William B. Green, tax.
174 Benjamin, Sands, tax.
175 John C. Green, tax.
176 William K. Moyer, tax.
177 Joseph Richardson, tax.
178 Anthony Clark, tax.
179 D. P. Griscom, tax.
180 Thomas Moore, tax.
181 John Lee, tax.
182 Edward T. Davis, tax.
183 Geo. Gressford, tax.
184 Philip Holman, tax.
185 Samuel Roberts, 2d, tax.
186 Joseph Holman, tax.
187 John Walsh, tax.
188 Frank Garrey, tax.
189 Michael Brennan, tax.
190 John Connell, tax.
191 Frank Dougherty, tax
192 William, Lawler, tax.
193 John Garrey, tax.
194 Michael Cokley, tax.
195 Thomas McGuire, age.
196 Peter Motz, tax.
197 William Morrison, tax.
198 William Howard, tax.
199 Martin Casteldo, tax.
200 Patrick Brennan, tax.
201 Owen Clark, tax.
202 Bryan McAvoy, tax.
203 Joseph Harlowe, tax.
204 William Moore, tax.
205 John Hope, tax.
206 James Hoar, tax.
207 John Gribens, tax.
208 Stephen Loyd, tax.
209 John Owens, tax.
210 Michael Donahoe, tax.
211 John Flanigan, tax.
212 Michael Coyle, tax.
213 Patrick McDonald, tax.
214 John Earley, tax.
215 Patrick Lawlor, tax.
216 Thomas Flanigan, tax.
217 Martin Burns, tax.
218 William Cleese, age.
219 Alexander Benny, tax.
220 Michael Kenney, tax.
221 Simon Matters, age.
222 William Stone, tax.
223 Patrick Galiger, tax.
224 Morgan Hopkins, tax.
225 Thomas Crawage, tax.
226 William Wragg, age.
227 William France, tax.
228 John Creswell, tax.
229 Patrick Harnan, tax.
230 Anthony Coyle, tax.
231 Patrick Kilcur, tax.
232 Hugh McGuire, tax.
233 John Ryan, tax.
234 James Kelly, tax.
235 Anthony Danlary, tax.
236 Anthony Flannery, tax.
237 James McGuire, tax.
238 John Cochlin, tax.
239 Patrick Flannery, tax.
240 Henry Eckle, tax.
241 Michael Grady, tax.
242 John Miles, tax.
243 Michael Hughes, tax.
244 Edward Ludlow, tax.
245 Thomas Murphy, tax.
246 John Lawler, tax.

247 William Taggert, tax.
248 B. A. Frick, tax.
249 William Dorcey, tax.
250 Thomas Holleran, tax.
251 Germia Curran, tax.
252 Charles Reidly, tax.
253 Patrick Burns, tax.
254 James, Dixon, 1st, tax.
255 James Castello, tax.
256 James Killmurry, tax.
257 Peter Choppy, tax.
258 Patrick Dougherty, tax.
259 James Sweeney, tax.
260 Robert Hanna, tax.
261 Robert Hanna, 2d, age.
262 Michael Conrelle, age.
263 Jacob Metz, tax.
264 Michael Brennan, sr., tax.
265 John Harnan, tax.
266 Martin Hobin, tax.
267 Thomas J. Price, tax.
268 Patrick Holleran, tax.
269 Patrick Deane, 3d, tax.
270 Patrick Rowan, tax.
271 David D. Williams, tax.
272 John Burns, 2d, tax.
273 John Hopkins, tax.
274 John Dougherty, tax.
275 William Jones, tax.
276 Patrick Murphy, age.
277 Ben. D. Beddall, tax.
278 Ben. Mourey, tax.
279 Charles Rick, age.
280 Michael Thompson, age.
281 John Whitman, tax.
282 Chlint Geris, tax.
283 John Cummings, tax.
284 Thomas G. Jones, tax.
285 Anthony Monley, tax.
286 Patrick Donahoe, tax.
287 Conn Haggerty, tax.
288 James Sargent, tax.
289 William Sargent, age.
290 William J. Lewis, tax.
291 Henry Roberts, tax.
292 Thomas Mcguire, tax.
293 Jacob Kline, tax.
294 David Grow, tax.
295 Michael Cawfield, tax.
296 Jacob McCerdy, tax.
297 Patrick Carlin, tax.
298 Richard Palmer, tax.
299 Anthony McGuire, tax.
300 Joseph Richard, tax.
301 William Smith, tax.
302 James Sweeney, 2, tax.
303 George Whiteman, tax.
304 P. J. Sullivan, tax.
305 Charles Ratsinberger, tax.
306 Patrick Deane, No. 14, tax.
307 Bryan Ready, tax.
308 John Denlary, tax.
309 John Row, tax.
310 Patrick McDonald, tax.
311 Charles Roberts, age.
312 Michael Dougherty, age.
313 Jeremiah Grow, tax.
314 John T. Davis, tax.
315 Charles Coyle, tax.
316 Jacob Geise, tax.
317 Anthony O. Donald, tax.
318 Edward McDonald, tax.
319 Daniel Rick, tax.
320 Peter Barrett, tax.
321 Michael Deane, tax.
322 Patrick Ryan, tax.
323 Philip Coyle, tax.
324 Martin Boylin, tax.
325 Martin Gilroy, tax.
326 James Davit, tax.
327 Patrick Louskin, tax.
328 Anthony Deane, tax.
329 Thomas Smith, tax.
330 Wm. McLoughlin, tax.
331 Peter McCurran, tax.
332 Wm. Harris, tax.
333 Michael Coyle, 2, tax.
334 Wm. Brown, tax.
335 Michael Monely, tax.
336 Michael O'Boyle, 2, tax.
337 Ed. Gilroy, tax.
338 Luke Brennan, tax.
339 John Earley, age.
340 Anthony Newhouse, tax.
341 Thomas Gauger, tax.
342 Henry P. Kertz, tax.
343 Lewis Kertz, tax.
344 Michael Burns, tax.
345 Michael Garin, tax.
346 Thomas Burns, tax.
347 Michael Murphy, tax.
348 Michael Curduff, tax.
349 Martin Walsh, tax.
350 John Bowman, tax.
351 Henry Tigert, tax.
352 Thomas Dixon, tax.
353 James Fox, tax.
354 Patrick Murphy, tax.
355 Anthony Deane, tax.
356 Thomas Moore, tax.
357 Thomas McLoughlin, tax.
358 Frank Shultz, tax.

359 James McDanough, tax.
360 William Dougherty, tax.
361 Casnor Swazsey, tax.
362 Augusta Shultz, tax.
363 Pat'k Tobin, tax.
364 Edward Pural, tax.
365 John Nash, tax.
366 Michael Mack, tax.
367 Pat'k Carey, tax.
368 James Hobin, tax.
369 James Britten, tax.
370 Aliza Cramer, tax.
371 William Campbell, sr., tax.
372 John Breen, tax.
373 Wm. E. Hay, tax.
374 Lawrence Joyce, tax.
375 Michael Maloney, tax.
376 Andrew O'Boyle, tax.
377 Michael Gilroy, tax.
378 Patrick Dixon, tax.
379 Anthony Kelly, tax.
380 James Monaghen, tax.
381 Henry Cook, tax.
382 Charles Timmons, tax.
383 John Maloney, tax.
384 Denis Brennau, tax.
385 Michael Maloney, tax.
386 Eli Fry, tax.
387 Wm. Noone, tax.
388 Samuel Miller, 2, tax.
389 John Bambrick, tax.
390 Thomas Carroll, tax.
391 John Pierce, tax.
392 Charles Esgar, tax.
393 J. H. B. Warfield, tax.
394 Thomas Brennan, tax.
395 John Davis, tax.
396 Hiram Brocius, tax.
397 Thomas Castello, tax.
398 Peter Gilroy, tax.
399 John Mourey, tax.
400 Michael McGrath, tax.
401 John Kelly, tax.
402 Hugh Cafferty, tax.
403 Richard Golden, tax.
404 Edward Munley, tax.
405 Pat'k Lanighan, tax.
406 Pat'k McGrath, tax.
407 Jacob Lemberger, tax.
408 Edward Kenney, tax.
409 John McDonough, age.
410 Samuel Mitchell, tax.
411 Thomas Noone, tax.
412 John Doogan, tax.
413 John Leonard, tax.
414 Michael McGuire, tax.
415 Michael Crane, tax.
416 James Groodey, tax.
417 William Wilkerson, tax.
418 Anthony Hobin, tax.
419 George Stone, tax.
420 Thomas Smith, tax.
421 David Bowman, tax.
422 John McDonald, tax.
423 Walter William, tax.
424 Thomas Davis, tax.
425 James B. Wood, tax.
426 Michael McGrath, age.
427 Miles Kilane, tax.
428 David Thomas, tax.
429 John Brennan, tax.
430 John Burns, tax.
431 John Walsh, tax.
432 John Curley, tax.
433 Henry Shoeman, tax.
434 Con O'Donald, tax.
435 Patrick Noone, tax.
436 Patrick Dailey, tax.
437 Martin Dixon, tax.
438 James Roe, tax.
439 Michael O'Malley, tax.
440 Edward Lavelle, tax.
441 Michael O'Malley, tax.
442 John Burke, tax.
443 Patrick Furgeuson, tax.
444 Michael O'Neil, tax.
445 John Donnelly, tax.
446 Edward Harman, age.
447 John Cafferty, tax.
448 John Harman, tax.
449 Patrick Monaghan, tax.
450 Edward Moyer, tax.
451 German Gragory, tax.
452 John Baimbridge, tax.
453 Benj. Williams, tax.

STATE OF PENNSYLVANIA, *County of Schuylkill, ss:*

I, Thomas F. Kerns, prothonotary of the court of common pleas in and for said county, do certify that the foregoing is a true copy of the list of voters for West Mahanoy Township, in said county, filed among the records of said court on the 8th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 10th day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS, *Prothonotary.*

EXHIBIT B B.—*H. K. Weston, notary public.*

List of voters who voted in North Manheim Township, Schuylkill County, Pennsylvania, November election, 1876.

1 Elei Oswald
2 John L. Cobo
3 John Byerley
4 John Miller
5 Edward Peal
6 Henry Berger
7 Geo. W. Brown
8 Geo. Fry
9 J. J. Reed
10 Isaac Yost
11 Franklin Schropp
12 Samuel Hartranft
13 D. H. Yost
14 Wm. Achenbach
15 James Kirkpatrick
16 Daniel Koch
17 David L. Coho
18 Wm. Walheiser
19 Jacob Schappell, sr.
20 Wm. Flammer
21 Henry Schappell
22 Erastus Kipp
23 John Garrett
24 Samuel Bittle
25 John Fisher
26 Caleb Kinsey
27 Peter Martz
28 Geo. Keaner
29 G. W. Mitchen
30 Peter Helenthal
31 James Weierman
32 Wm. Karg
33 Joseph Sterner
34 Charles Rowdenbush
35 Wesley Tyson
36 John Pryer
37 Henry Eiler
38 Martin Hoffman
39 John Schappell
40 Thomas Parnel
41 William Tyson
42 Geo. Ebert
43 John Fenstermaker
44 Joel Fisher
45 Geo. Payne
46 J. M. Payne
47 Geo. Deibert
48 Fred'r Beck
49 Frank Rebe
50 John Britten
51 Samuel Fisher
52 John Fisher, jr.
53 David Fisher, on age
54 Thomas Morris
55 Patrick Daley
56 John Kuebler
57 Wm. Becker
58 Charles Eyler
59 Fred. Hinkle
60 Wm. Hinkle, on age
61 Henry Brown
62 Conrad Brown
63 Lewis Ehley, on age
64 Wm. Ehley
65 Zachariah Emes
66 John Smith
67 John Eyler
68 Jacob Bittle, sr.
69 Wm. Bittle
70 Samuel Bittle
71 Henry Tyson
72 Morgan Crein
73 Charles Kaigaslayer
74 Henry Wesner
75 Henry Unangst
76 Samuel Hillbush
77 Geo. S. Melot
78 Daniel S. Deibert
79 Hugh Smith
80 Henry Fisher
81 Gabriel Miller
82 Isaac Reader
83 Wm. Fenstermaker
84 Levi Rubright
85 Charles Potts
86 John Wommer
87 C. A. Moyer
88 Benjamin Wilds
89 Abraham Krohmer
90 Levi Emmes
91 Wm. Willour
92 Aron Miller
93 John Luckenbill
94 Reuben Luckenbill
95 Samuel K. Ebler
96 Geo. Stine
97 Geo. Boldon
98 James Meck
99 Michel Kelly
100 Thomas Brennan
101 Geo. Maybain (on age)
102 Hugh Conner

103 Charles Bowen
104 Morphey Mullin
105 David Jackson
106 J. A. Weierman
107 Lewis Strome
108 Edward Levengood
109 Edward Beck
110 Godfrey Boyer
111 John T. Boyer
112 Jacob Shanbacher
113 Benj. Garrett
114 James Mackvoy
115 James Schappell
116 Geo. Hunsiger
117 Jria Gipp
118 Jacob Limebach
119 Jacob Limebach
120 Henry Zimmerman
121 Daniel Shappell
122 Frank Bittel
123 Henry Roach
124 Martin Bowen
125 Lewis Bowen
126 Jonathan Raber
127 Bolsom Keffer
128 Thomas Wigiam
129 Isic Stoffer
130 Martin Wagner
131 John K. Bittel
132 Lewis Bittel
133 John Beck
134 D. H. Kenner
135 Philip Honnickel
136 Geo. Coover
137 Wm. Beck
138 Samuel Scappell
139 Henry Boyer
140 Geo. Sidel
141 Frank Sidel
142 Martin Bittel
143 Simon Longe
144 Wm. J. Beck
145 Geo. J. Beck
146 Chrisan Erbed
147 John Mining
148 Daniel Richerd
149 Charles Hudson
150 Conrad Moor
151 Jacob Bittle
152 Robert L. Bittle
153 Lewis Berger
154 Wm. Siegfried
155 Ruben Gavinger
156 Daniel Rauch
157 Geo. Simon
158 Levy Lengel
159 John Filbert
160 George Heffner
161 Wesley Maines
162 Joseph Freeman
163 James Level
164 Levi Reicherd
165 John W. Kershner
166 Isaac Miller
167 Maetis Burgert
168 Geo. Gumlough
169 Peter Barr
170 Samuel Bausman
171 Charles Greamer
172 James Leimbach
173 Val. Ruch
174 Michel Rubert
175 Albert Burgert
176 Daniel Sulliman
177 John Shappell
178 William Killion
179 Milton Flammer
180 John Bubeck
181 Daniel Haley
182 Geo. Strouse
183 James Reinhard
184 Irvin Berget, on age
185 Samuel Bomberger
186 David Rukle, on age
187 Amos Boyer
188 Wm. Reinhard
189 Samuel Taylor
190 Wm. Fessler

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas in and for said county, do certify that the foregoing is a correct copy of the list of voters for North Manheim Township, in said county, filed among the records of said court the 8th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 10th day of February, A. D. 1877.

[SEAL.]

THOMAS F. KERNS,
Prothonotary.

EXHIBIT C C.—*H. K. Weston, Notary Public.*

List of voters who voted in the north ward, Pottsville, Schuylkill County Pennsylvania, general election, 1876.

1 Thomas Cullen
2 John A. Nash
3 Patrick Cullen
4 John Mullen
5 Thomas Fowler
6 Lewis Parry
7 Mich'l Birmingham
8 Wm. Nesbit
9 W. H. Carlisle
10 George B. Grosch
11 Francis Pinter
12 Wm. Stall
13 Adam Rosenberger
14 Thomas Vaughn
15 Richard Nash
16 Henry Lewis
17 Charles Smith
18 John Musket
19 Wm. Thomas
20 Rich'd Reese
21 John Owens
22 John Mcormick
23 Mich'l Larkin
24 Conrad Stoffregan
25 Charles Frizzle
26 Daniel O. Marra
27 John Eichman
28 John E. Edwards
29 Wm. Lee
30 Geo. Martz
31 Thomas Mcormick
32 James Barry
33 F. W. Bechtel
34 Mich'l Brennan
35 Henry Binkley
36 Thomas Mullen
37 A. C. Wingert
38 John Marra
39 David Brown
40 Samuel Stevens
41 Daniel E. Davis
42 Patrick Brown
43 John Marra, sr.
44 Joseph Grosch
45 Martin Carroll
46 Robert Nesbit
47 John Slater
48 Luke Nash
49 John Slitzer
50 D. W. Reynolds
51 Matthew Carroll
52 Laughlin Deegan
53 James Whalen
54 James Buckley
55 James Robertson
56 James Quinn
57 Peter Everly
58 John R. Reese
59 John Motz
60 Joseph Stodd
61 Fredericks Speacht
62 Thomas Temple
63 Peter Murphy
64 John Edwards
65 David Jones
66 Joseph H. Hoover
67 R. B. Barrett
68 Wm. Sullivan
69 John Galligan
70 John A. Weaver
71 Jas. Brown
72 Joseph Evans, jr.
73 Frank Strouse
74 John Parker
75 Ross Carlin
76 Christian Stahle
77 Geo. W. Slater
78 Owen Connahan
79 Thos. Brennan
80 John C. Davis
81 Joseph Everly
82 John Reddington
83 George Shearer
84 Steven Werner
85 Frank Spierly
86 Jere Lord
87 Jere Deegan
88 Joseph Deegan
89 John Emmagable
90 Henry Falls
91 Maurice Everly
92 William Spears
93 John Weis
94 Frank Zingst
95 George Warnick
96 George Motz
97 Elias Biddleman
98 Curnelius O'Brien
99 Joseph Evans, sr.
100 Wm. Thomas
101 George Loyd
102 Andrew J. Galligan

103 John Woodward
104 John McGuire
105 Lewis Thies
106 Thomas Ward
107 Lewis Jones
108 Sam'l Baynton
109 Owen Conahan, sr.
110 Wm. Edwards
111 Rich'd Truman
112 John Robinson
113 Benj. Jonathan
114 Peter Everly
115 Daniel D. Davis
116 Henry James
117 William Galligan
118 James Eichman
119 Enos Blackman
120 Wm. Eden, jr.
121 Terence McGlone
122 Zaccus P. Madara
123 George Lecher
124 Henry Andrews
125 John Cooper
126 Geo. Ritzel
127 Wm. Brazier
128 David Pritshard
129 John Coyle
130 John Quinn
131 James Truman
132 Henry Hornung
133 Adam Reith
134 Francis Hurtig
135 Lewis Sharpless
136 John Reiff
137 Thomas Howell
138 Reese R. Reese
139 Martin Quinn
140 Jacob Leinhiser
141 Joseph Fleished
142 John Reith
143 Frank Hornung
144 John Burnish
145 Chas. Smedley
146 Michl. Hornung
147 Wm. J. Parker
148 B. F. Lord
149 Fredk. Leffler
150 W. B. Huntzinger
151 Michl. Doran
152 Wm. Wilson
153 Jas. McGovern
154 Wm. R. Williams
155 Thos. P. Evans
156 Wm. McDonald
157 Thos. Whitmire
158 Frank Sterner
159 T. Jones
160 Richard Stevens
161 Evans James
162 John McGlone
163 John Lecher
164 James Brannan
165 George Skidmore
166 David T. Davis
167 Wm. J. Williams
168 Joseph Spenser
169 Martin Quinn
170 John Seltzer
171 Thomas Ward
172 George Showers
173 Thomas J. James
174 Thomas Toughey
175 John Morgan
176 Patk. McMahon
177 William Barry
178 Henry Dickinson
179 Lloyd Martz
180 Gottleib Everly
181 George Fleiishut
182 Berhard Schlitzer
183 James Kelly
184 Edwd. Jones
185 Thomas Brennan
186 Edwd. M. Reese
187 James Lennon
188 John B. Gunder
189 James Tobin
190 Edwd. Lennon
191 Wm. Mullen
192 Frank Wiggiman
193 Daniel Egan
194 Michl. Mullen
195 Morgan Jones
196 Wm. L. Owens
197 Benj. Pritshard
198 Jacob Goodhart
199 Thomas Lee
200 Saml. Oxenford
201 Wm. Clark
202 Thomas Mullen
203 Daniel Driscoll
204 Benj. Biltz
205 Godfrey Jacobs
206 David A. Davis
207 Wm. Frazer
208 Wm. Eden, sr.
209 Adam Reith, jr.
210 David Edwards
211 John Wiggan
212 John Llewellyn
213 James McMullen
214 James Sterry

215 Samuel Beyerle
216 Thomas Morgan
217 Joseph Mulligan
218 James Conahan
219 Joseph Goodhart
220 Wm. A. Evans
221 David Evans
222 Christian Focht
223 Chas. Brown
224 Thos. Brennan
225 Edwd. Gormley
226 Owen Leddy
227 Wm. Everly
228 Martin Burke
229 Geo. J. Heisler
230 Chas. Fey
231 S. D. Sinton
232 Chas. F. Seltzer
233 Thos. Davis
234 Wm. Skeen
235 John Fisher
236 Geo. Everly
237 Fredk. Lomnet
238 Fredk. Smedley

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas in and for said county, do certify that the foregoing is a true copy of the list of voters for north ward, Pottsville, in said county, filed among the records of said court the 8th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 10th day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT D D.—*H. K. Weston, Notary Public.*

List of voters who voted in Rahn Township, Schuylkill County, Pennsylvania, November election, 1876.

1 Thomas Straup
2 Jno. B. Gallagher
3 Benjamin Pollock
4 James Fisher
5 Joseph Strause
6 James McHugh
7 Charles Toy
8 David E. Hughes
9 John Keston
10 Gideon Moser
11 James Sheridan
12 Peter Gallagher
13 Robert Craig
14 Condy Melley
15 Saml. E. Powell
16 James Campbell
17 Micheal Connors
18 Patrick Burns
19 Dominick Kelly
20 Jno. B. Edwards
21 Louis Lewis
22 James Melley, 2d
23 Daniel Diver
24 Peter Boner
25 William Lithgow
26 Joseph Smith
27 Thos J. Evans
28 Daniel Daily
29 Owen Carr
30 Peter McGee
31 James Fisher
32 Mathew Gray
33 Patrick O'Donnell
34 Patrick McDermott
35 Condy Minealis
36 James Lithgow
37 John Meenah
38 Wm. Delay
39 Bernard Cunnin
40 James S. Gallagher
41 Edward O'Donnell
42 Christopher Burns
43 Joseph McHugh
44 Daniel Boyle
45 Hugh McGafferty
46 Patrick Gildea
47 Morris Coll
48 John Dale
49 John Aiken
50 Charles Boner
51 John O'Donnell
52 Moses Houser
53 Micheal Rodgers
54 John Boner
55 James Melley, 1st
56 John P. Thomas

57 Patrick Molloy
58 Richard Hoben
59 Daniel Moser
60 John Delay
61 Jno. T. Williams
62 Richard Boyd
63 Wm. Parry
64 Richard Holmes
65 Jacob Barrier
66 James McElroy
67 Rodger Rodgers
68 Patrick Meehan
69 Patrick McElroy
70 Daniel Boyle
71 Bernard Boyle
72 Patrick Moore
73 Benjamin Walker
74 Dennis Carr
75 Henry O'Neil, Cr
76 Thomas Holmes
77 Lawrence Herron
78 William Richards
79 James Campbell
80 Charles Connahan
81 Philip Gallagher
82 Daniel McGee
83 Daniel Melley
84 Morgan Glover
85 Louis Thomas
86 Condy Gillispie
87 James Lebo
88 Charles Barnes
89 Samuel Flemming
90 Elias Price
91 Thomas Bradberry
92 William Barnes
93 Thomas Willing
94 Henry Poh
95 Alfred Minnick
96 John Minnick
97 John Holmes
98 William Lithgow
99 Alfred Poh
100 Erastus Stroup
101 Joseph Nelson
102 Alexander Sneidan
103 Reuben Shellhamer
104 Mathew McCracken
105 Manus Molloy
106 Christian Henry
107 Henry O'Neil, jr
108 Henry Shakler
109 Robert Findley
110 Louis Williams
111 Bernard Gallagher
112 Denis Gatens
113 Elias Sassaman
114 Bernard Kelly
115 Henry Campbell
116 John Kelly
117 Edward James
118 Willoughby Stoudt
119 Cornelius McHugh
120 Edward Quillen
121 John Monday
122 Jno. J. Lewis
123 James Kelly
124 Jno. O. Richards
125 Henry O'Brien
126 Jacob Maury
127 James Cunnin
128 Thos. T. Jones
129 Michael Sweeney
130 James McGee
131 Israel Briggs
132 James Gallagher 2d
133 Robert Hyde
134 Hugh McGee
135 Henry Prim
136 John Davis
137 Eugene Magner
138 Daniel McLean
139 Condy Gallagher
140 Samuel McLean
141 John M. Williams
142 John McNeal
143 Thomas Griffiths
144 Owen Connelly
145 David J. Williams
146 Robert Nelson
147 Denis Gallagher
148 Patrick Bonner
149 James Herrin
150 Nathan Minnick
151 Thomas Ross
152 Elija Filer
153 Thomas Powell
154 John Bougle
155 Charles Powell
156 Charles Stewart
157 John Powell
158 George Stacey
159 Louis Hughes
160 Joseph McGeehan
161 John Morgans
162 James Jones
163 George Aiken
164 Daniel Malarky
165 Daniel Gallagher
166 James O'Neil
167 Thomas Parry
168 William Durn

169 John Timony
170 John Dindinger
171 Thomas McLoughlin
172 Philip Evans
173 Michael Melley
174 Morgan Jenkins
175 Thomas Mitchell
176 Patrick McGeehan
177 William Arner
178 Thomas Herring
179 Neil Boyle
180 Edward Herring
181 Bernard Keefe
182 John Mahony
183 John Thomas
184 Wm. E. Tomkins
185 Walter Whitehair
186 John Yem
187 James Churchill
188 Andrew Boyle
189 John Sharpe
190 William Zeard
191 Thomas Boyle
192 Thomas West
193 Major Carter
194 Aaron Kleckner
195 John Moser
196 Charles Fulk
197 Phineas Whetstone
198 Thomas S. Downs
199 John Bailey
200 William Meehan
201 John Fulk
202 Edward Delay
203 Hugh Fisher
204 Thomas Arner
205 Michael McFadden
206 Dan. O'Donnell
207 Patk. Boner
208 John Whitehouse
209 John Lloyd
210 James Woods
211 Stephen Condon
212 William Watters
213 Francis Sweeney
214 Joseph Moser
215 Charles Sigfried
216 David Brennan
217 Gideon Arner
218 John McGeehan
219 Edward Boyle
220 Daniel Barnes
221 George Hollywood
222 Charles Goslie
223 Edward Bergan
224 Michael Coyle
225 Bernard Shovelin
226 David Lewis
227 Thomas Bottomley
228 Robert Sneidan
229 Andrew Harrigan
230 Nicholas Coogan
231 William Gatens
232 John Burns
233 Thomas Emes
234 Peter McGobrick
235 Charles Ramaley
236 Benjamin Poh
237 Silas Hoffman
238 Christopher Burns, jr
239 Peter O'Neil
240 William Sweeney
241 James West
242 John McLean
243 Jeremiah Foley
244 Evan Reese
245 Benjamin Walker
246 John Filer
247 Bernard Callahan
248 John Boyd
249 Robert Gillespie
250 Peter Durn
251 Patrick Doherty
252 John Patterson
253 John McHugh
254 Charles Gallagher
255 Daniel Griffiths
256 Charles Watters
257 James Brennan
258 Frank Jackson
259 William Davis
260 Neil Fisher
261 John Boyle
262 Thomas Jenkins
263 Patrick McGee
264 James McDermott
265 Edw. D. Jones
266 Jno. P. Watkins
267 Albert Jones
268 Connel Rodgers
269 Edward Simmons
270 Frederic Sherry
271 Christian Miller
272 Joseph Melon
273 William McDonald
274 Alexander Watkins
275 James Boner
276 Jno. E. James
277 Manoah Jenkins
278 Andrew Haiken
279 George Hoffman
280 Benjamin Hoffey

281 Dennis Boner
282 Samuel Hoffman
283 Jonathan Jenkins
284 John Dunbar
285 Lafayette Soult
286 Daniel Doherty

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas, in and for said county, do certify that the foregoing is a true copy of the list of voters for Rahn Township in said county, filed among the records of said court, the 9th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 10th day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT E E.—*H. K. Weston, Notary Public.*

List of voters who voted in west ward, Schuylkill Haven, Schuylkill County, general election 1876.

1 James Zums, sr., tax
2 John McGugan, tax
3 James Gray, sr., tax
4 George McWilliams, tax
5 Michael Brennan, tax
6 James Crevin, tax
7 Henry Cook, tax
8 Francis Mullen, tax
9 Alfred Leiby, tax
10 John Heebner, tax
11 Philip Adams, tax
12 John Quinn, tax
13 Hugh Gray, tax
14 Patrick O'Brien, tax
15 Francis McGlinchey, tax
16 James Quinn, tax
17 James Carlin, sr., tax
18 Chas. Mulhollam, tax
19 Dan'l Mulhollam, tax
20 James Cochran, tax
21 James Carlin, jr., tax
22 Albert Weidman, tax
23 Francis Coho, tax
24 John Obrien, jr., tax
25 Edward Brennan, tax
26 Thos. Gordon, tax
27 Thos. Burns, tax
28 James Connelly
29 John O'Bryan, sr., tax
30 Jeremiah Harney, tax
31 Walter Digman, tax
32 Bernard McGeoy, tax
33 Phillipp Works, tax
34 Peter Stanton, tax
35 George Gordon, tax
36 Wm. Brown, sr., tax
37 James McGeoy, tax
38 Jacob Lindamuth, tax
39 Thos. Malone, tax
40 Peter McFague, tax
41 Bernard Carr, tax
42 Hugh Caffery, tax
43 Lawrence McKeon, tax
44 Peter McGuire, tax
45 James Gray, jr., tax
46 Patrick Carr, tax
47 James Olwell, tax
48 Daniel Coleman, tax
49 Lawrence McGugan, tax
50 Frank Reed, tax
51 John Brown, tax
52 George Brown, tax
53 Dan. Garrigan, sr., tax
54 John B. McGeoy, tax
55 Henry Hagner, tax
56 Michl. McCarty, tax
57 James Lawless, tax
58 John McGovern, tax
59 Edwd. Coho, tax
60 Thos. Feeny, tax
61 John Hemple, tax
62 William McCormick, tax
63 Casper Weihinger, tax.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, do certify that the foregoing is a true copy of the

list of voters for west ward, Schuylkill Haven, in said county, filed among the records of said court on the 8th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 10th day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT F F.—*H. K. Weston, Notary Public.*

List of voters who voted in first ward of Shenandoah, Schuylkill County, Pennsylvania, November election, 1876.

1 Morris Morrison
2 Austin Mealey
3 Patk. O'Neil
4 Thomas Watson
5 Bernard Dougherty
6 John Terrill
7 Thomas Harris
8 Patk. Campbell
9 Lawrence Mangan
10 John McHugh
11 Patk. Ormsby
12 Marc Arnsohn
13 Martin Mellett
14 Moses Moyer
15 Patk. Conry
16 Cornelius Leahy
17 Anthony Sheets
18 George Frost
19 John Kelly
20 John McMannus
21 Michl. Curley
22 John Cochlin
23 John Tracey
24 P. J. Morrison
25 John A. Tobin
26 James Keane
27 Watkin Waters
28 John Mulahey
29 Thos. Loftus
30 Peter Haverty
31 John Monaghan
32 Henry Rhoads
33 Geo. Lawler
34 James Dowling
35 Jerry Conohan
36 Geo. Willman
37 Michl. Mellet, jr.,
38 Dennis O'Neil
39 Pat'k McKenna
40 John Pepper
41 Thos. Cavanaugh
42 Timothy Hurley
43 Thomas C. Waters
44 Adam Mialewskie
45 Edwd. Roche
46 Geo. Tobin
47 Edwd. Lalley
48 Patk. Toole
49 John Toole
50 Wm. Jones
51 Wm. Ainsworth
52 Henry Brown
53 Patrick Flynn
54 Henry Trash
55 Thos. Fell
56 Francis Carr
57 Garret McKenna
58 Michael Powers
59 Francis McHugh
60 Emanuel Delcamp
61 Martin Mullahey
62 Wm. Lathlene
63 Wm. Chapman
64 Wm. McKeon
65 David Williams
66 Patk. Matthews
67 Edwd. Reilley
68 Thos. E. Davis
69 George Knoll
70 Wm. Flaherty, sr.,
71 Thos. Grady
72 John Toole, sr.,
73 Thomas Keelty
74 Michl. Lawlor
75 Gerald McKernon
76 Peter Welsh
77 Martin Cummings
78 Philip Huntzinger
79 Patk. Sheehey
80 Martin Lawlor
81 John Hanbome
82 Patk. Ferguson
83 Patk. Murray
84 Bart. Sheehy
85 James McHugh
86 Henry Woods
87 Edwd. Valentine
88 Julian Czienski

89 Alexander Czienski
90 John McGreal
91 Edwd. Ferlooney
92 Michl. Mellett, sr.,
93 Michl. Mulahey
94 John Simmons
95 Anthony Flynn
96 Austin Morrison
97 Peter Kozakiewiez
98 John Keogh
99 Wm. Barry
100 Rich'd Harrell
101 Stephen Charles
102 James Ennis
103 Joseph Murphy
104 John Norris
105 Dominick Szymanski
106 Wendell W. Young
107 Patk. Ryan
108 Joseph Walsh
109 John Hannah
110 Abraham Lewis
111 Joseph Murpty, jr.,
112 Wm. Thornton
113 Dan'l Bradley
114 Michael Byruns
115 Thos. Cantlin
116 Nicholas Correll
117 Isaac Wagner
118 John Hurley
119 George Garland
120 Edwd. Barry, jr.
121 Patk. Rattican
122 John Gaffegan
123 David Brown
124 Thomas Ferguson
125 John Conrey
126 Peter Enderson
127 Michl. Durkin
128 Patk. Stanton
129 Jonathan Rodgers
130 James Dowling
131 John Brenan
132 Thos. McEvoy
133 Jeremiah O'Connor
134 Christ. Dougherty
135 J. E. Robbins
136 John Brennan
137 Isacher Robbins
138 Jacob Shuey
139 John Murray
140 J. H. Hoskins
141 Michl. O'Connor
142 Robt. Weightman.
143 Fredk. Essler
144 Thomas Woods
145 Zeno Frey
146 Michl. McDonald.
147 James Begley
148 Nicholas Fulmer
149 Michael Batchford
150 Wm. Kelly
151 Thos. Gilfillan
152 John Dowling
153 Maurice Scanlon
154 Martin McGuire
155 Patk. Keogh
156 Patk. Stack
157 John Tobin, sr.
158 Patk. McAtee
159 Bryan McCarty
160 John Mathews
161 Martin Finnerty
162 Peter Smith
163 Wm. Flaherty
164 John O'Neil
165 Abraham Townsend
166 James Mullen, sr.
167 Michl. Heaton
168 Peter Kirk
169 John Flynn
170 John McDonald
171 Patk. Hendrick
172 Patk. Coyle
173 John Snell
174 Philip Cartwright
175 Chas. Gerhart
176 Danl. Cantlin
177 Henry D. Lewis
178 John O'Neil
179 Con. Flynn, sr.
180 John Murphy
181 Thomas Connors
182 Martin McGuire
183 Thomas Hughes
184 Anthony Burke
185 Austin McGreal
186 Thos. Dalton
187 John T. Williams
188 Joseph Weightman
189 Patk. McNamara
190 John Sneddin
191 Oswald Ford
192 John Fitzpatrick
193 Wm. Moyer
194 Michl. Cantlin
195 Patk. Ward
196 Andrew Connoly
197 Patk. Gaffigan
198 Joseph Ormsby
199 Casper Hughes
200 Mich'. Wade

201 Alfred H. Hoskins
202 Thos. Durkin
203 John Rowley
204 M. P. Whittaker
205 Patk. Keefe
206 James O'Heru
207 Daniel Coakley
208 Carbury Eagin
209 Michl. Connoly
210 Thos. Evans
211 Wm. Kendrick
212 Richd. Connel
213 James Sneddin
214 Geo. Manning
215 Chas. Whitmoyer
216 Francis Hannah
217 Edwd. Whitmoyer
218 Henry Becker
219 John Konig
220 Isaac Thomas
221 John R. Jones
222 Wm. Lawson
223 Simon Gregory
224 John Keltz
225 Richard Ormsby
226 Martin Monaghan
227 James North
228 Wm. Norris
229 Oliver Zerby
230 John Cooney
231 James Mullen
232 Patrick Gibbons

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County aforesaid, do certify that the foregoing is a correct copy of the list of voters for first ward of Shenandoah, in said county, filed among the records of said court the 8th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 12th day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT G G.—*H. K. Weston, Notary Public.*

List of voters who voted in Shenandoah, fourth ward, Schuylkill County, Pennsylvania, November election, 1876.

1 H. C. Boyer
2 Samuel Rushworth
3 A. Hecksher
4 G. N. Hughes
5 John Botheroe
6 John Dando
7 Samuel Gay
8 Mark Burke
9 James Foley
10 John Britain
11 John James
12 George T. Taylor
13 D. Muir
14 Pat. Finegan
15 John D. Evans
16 John A. Lewis
17 Wm. Pepworth
18 Henry Geis
19 Joseph S. Beddall
20 James Bowden
21 Willm. Glover
22 Moses Snyder
23 Daniel Richards
24 Noah Cartwright
25 Jacob Stalts
26 Michael Cuff
27 John G. Davis
28 William Owens
29 Thomas Gibbons
30 D. J. Thomas
31 Emanuel Shoppe
32 John A. Hughes, age.
33 Clement L. Foster
34 Lawrence Bishop
35 John Dickisson
36 Mathew Macalle
37 Jacob Glover
38 Daniel Hughes
39 Patrick Miles
40 Christian Schley
41 John West
42 Charles Amour
43 Richard Amour
44 Richard Knight

45 John Dowdy
46 C. G. Palmer
47 G. W. Johnson
48 John Glover
49 Solomon Dovey
50 Ths. H. Taylor
51 Peter Macalle
52 Ths. S. Jones
53 George John
54 Henry Zykes
55 Charles Martin
56 Charles Burnes
57 Jonathan Hughes
58 Ths. Casey
59 Joseph Decker
60 Michael Geary
61 Andrew Feltman
62 Richard W. Jones
63 John O'Hern
64 John Hughes
65 Hugh W. Hughes, age.
66 Jasper Wylam
67 William Dovey
68 William Dovey, jr., age.
69 John Dovey
70 Martin Mulhall
71 James Mullhall, age.
72 Alexander Lytle, on oath.
73 William James
74 Henry Stauffer
75 Peter Bonenberger
76 Samuel Bowen
77 William Lewis
78 William S. Jones
79 William Richards
80 John Lewis
81 Edward V. Williams
82 Jonathan Hughes
83 Rees Powell
84 Charles Dress
85 Thomas Mansel
86 William Shaw
87 Enoch Decker
88 Robert Roberts
89 Samuel Southal
90 John Skeath
91 Peter Grow
92 Adam Stauffenberg
93 James Morgan
94 James Quirk
95 Th's S. Powell
96 Thos. D. Ramsher
97 Edward A. Williams
98 Patrick Wittaker
99 Ths. Lowry
100 Patrick Gauchin
101 Ths. I. James
102 James J. Powell
103 Edward Burke
104 Jacob Shraeder
105 John Fitzgerald
106 Edward Tobin
107 Ruben Regle
108 David Mathias
109 James Dowdy.
110 William Even
111 Daniel Brennan
112 Anthony Michael
113 Benjamin Geis
114 James Cosgrove
115 Edward C. Lloyd
116 James Stanton
117 William Walters
118 Henry L. Jones
119 George Smith
120 George Ploppet
121 Edward Beddall
122 Daniel Wagner
123 John B. Davies
124 S. M. Artley
125 J. J. Lorch
126 Edward Fitzgibons
127 Charles Trinkle
128 Martin Larkin
129 John Drumheller
130 Luther Brocius
131 Isaac Jarvis
132 William H. George
133 George Hoffman
134 James Penman
135 Joseph Copeland
136 Michael Loftus
137 Henry Goodhead
138 James Goodhead
139 William Wadely
140 John Wilecombe
141 David Heisenhower
142 George Lorch
143 Benjamin Powell
144 John Watson
145 Gilbert Henry

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County aforesaid, do certify that the foregoing is a correct

copy of the list of voters for fourth ward, Shenandoah, in said county, filed among the records of said court on the 8th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 12th day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT H H.—*H. K. Weston, notary public.*

List of voters who voted in the fifth ward, Shenandoah, Schuylkill County, Pennsylvania, general election, 1876.

1 Patrick Canney
2 Michael Whalen
3 John J. Reese
4 James C. Purcell
5 Timothy O. Mahaney
6 Lewis Huntzinger
7 John Feeley
8 John Dumm
9 Soloman Landig
10 John Cummings
11 Albert R. Broone, age.
12 John Moltenbrey
13 Francis Deegan, age.
14 Henry Miller
15 Jacob Laucks
16 Fred'k Seiber
17 James King
18 Richard West
19 Daniel Bailey
20 George Beck
21 Charles Gross
22 Philip Schmidt
23 Daniel T. Davis
24 A. H. Rhoads
25 John R. Beynon
26 Thomas D. Davis
27 William Lees
28 Michael Monaghan
29 Patrick Delaney
30 Phelix McMannaman
31 Henry Hornich
32 William Lashlane
33 Anthony Devit
34 Thomas Cormick, (challenge.)
35 William T. James
36 William Schley
37 John Evans
38 James Grant
39 Henry Miller
40 Conrad Solebach, 2d.
41 Thomas McGuire, sworn.
42 James McKeon
43 Henry Wader
44 Thomas Welsch
45 Abraham Hinkle
46 Michael F. Shapbell
47 Michael Carroll
48 John Oliver, jr.
49 James Feeley
50 Andrew Hilderbrand
51 John L. Hassler
52 William Pooler
53 Charles Werner
54 John Oliver, sr.
55 Thomas Katon
56 Henry Barwan
57 William Wells
58 Daniel H. Landiman
59 Wm. Greis.
60 Samuel Young
61 John S. Roberts
62 George H. Jones
63 Pearson Walker
64 Robert Ingman
65 Patrick Hand
66 Thomas D. Griffiths
67 F. F. Brocius
68 Edward Griffith
69 Patrick Feeley
70 Patrick Cardon
71 John W. Bahrt
72 Patrick Hurley
73 John Hennessy
74 John Hughes
75 Edward Dowd, not registered.
76 John Cardon
77 Joseph Bosh
78 Philip Devit
79 Daniel Bright
80 Daniel Grady, sworn.
81 Anthony Grimes, not registered, papers.
82 Anthony Wenloski, not registered, papers.
83 James K. Dillman
84 Joseph Hicks
85 James Doyle
86 Hugh Campbell

87 Thomas Tracy
88 Peter Monahan
89 John Phillips
90 John Parry
91 John M. Thomas
92 Hugh Lafferty, not registered.
93 Thomas Brittan
94 Henry W. Jones
95 Mat. Delaney, not registered.
96 Henry Muldoon
97 Peter Monaghan
98 Daniel Roarity
99 Patrick Connell
100 William J. Coombs
101 James Marshall
102 David Shappell, sworn.
103 James Preston
104 Benj. F. Seltzer
105 Thomas Heiser
106 Geo. B. F. Kitchen
107 Andrew Deuter
108 Simon Tasgat
109 John Barry
110 Jacob Stauffer
111 Joseph Strobenski
112 John Hilderbrandt
113 James Hughes
114 Patrick Conville
115 Martin Conville
116 Dennis J. Doyle
117 John Nolan
118 John Cain, not registered.
119 John Yost
120 James Conroy
121 Elias Bregesser, not registered.
122 James Tobin
123 Richard Coogan
124 Frank Hinkle
125 James Bell
126 John Engleberger
127 Daniel Sweeny
128 Daniel Owens
129 Reese Reese
130 Patrick Lyons
131 Michael Murphy
132 Henry Warnich
133 Francis Long
134 Daniel Wolf, jr.
135 Frank Warnick
136 Michael Harman
137 Conrad Harman
138 David F. Wagner
139 Thos. Cooney, not registered.
140 Thomas Powell
141 Andrew Dehm
142 John Houser
143 Edward McCormick
144 Charles Hooks
145 Joseph Deiter
146 James Coogan
147 Henry Baker
148 Patrick Whalen
149 Patrick Muldoone
150 Edward Muldoone
151 Philip J. Landaman
152 Thomas Canfield, not registered; on age.
153 Frank Bittler
154 Patrick Canfield
155 John Clough
156 Patrick McClain, not registered; sworn.
157 Edward Doolen
158 William Canfield, age.
159 Patrick Quinn, not registered.
160 Michael McLain, not registered.
161 Morris Worm.
162 George Oliver.
163 Edward Coulin, not registered.
164 August Strunk.
165 William H. Shappell, age.
166 John O'Donnell.
167 Patrick McQue, not registered.
168 Thomas McHale
169 John Brown
170 Walter McCale
171 Owen Gallagher
172 Patrick McAndreur, not registered.
173 Charles Wood
174 Jeremiah Roxby
175 Michael Ruddy
176 Edward McCormick.
177 James Hand, not registered.
178 Luke Keenan.
179 Samuel Cannon, not registered.
180 James Delaney
181 George Mathias
182 John Kinney
183 David R. Reese
184 Gustav Eichler
185 George Heisner, not registered.
186 Israel Eisen
187 Theodore Knittle
188 Daniel Wolf
189 Daniel W. Shoup
190 James Delonery, not registered; sworn.
191 Daniel Lara
192 Daniel Anspach, dispute.
193 Abraham Yost

194 William Williams, dispute.
195 Thomas Dooley
196 Lewis Acker
197 Daniel Hartman
198 Richard Frazier
199 Tenie McLane
200 Adam Metz
201 Edw. Lenehart, not registered.
202 George W. Jones
203 Michael Kerrigan, not registered.
204 Anthony Struspinski, not registered.
205 P. J. Mullen, not registered.
206 John Smoyer
207 George Watts
208 Thomas Shoure, not registered.
209 Edward P. Jones
210 Benjamin Kautner
211 George W. Miller
212 Frank Temple

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, do certify that the foregoing is a correct copy of list of voters of fifth ward, Shenandoah, in said county, filed in said office among the records of said court on the eighth day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this twelfth day of February, 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT II.—*H. K. Weston, Notary Public.*

List of voters who voted in north ward, Tamaqua, Schuylkill County, Pennsylvania, November election, 1876.

1 Henry L. Cake.
2 Thomas Wolff
3 George Israel
4 M. P. Fowler
5 Henry Krause
6 John C. Conrad
7 E. A. Boyer
8 George Sipple
9 Charles Leiby
10 Conrad Krause
11 George Krell
12 Thomas Stapleton
13 Adam Dickman
14 Frederick Eisontag
15 Edward Schleicher
16 Jackson Seiders
17 George Kich, 1st.
18 John Scheudrumpf
19 William S. Allebach
20 Samuel B. Graeff
21 Amos B. Lamberson
22 Owen James
23 Lewis Hauser
24 Peirce Bausman
25 Charles Neisr
26 Wm. G. Philips
27 Edward Ash
28 Henry Rupert
29 William Edling
30 Frank Sowers
31 Charles Koch
32 Christian Schilber
33 John Wenzel
34 Lorenz Koenig
35 George Kich, 2d.
36 Joseph Mackey
37 Philip Faber
38 Uriah Long
39 Barney Sharp
40 Herman Hagelgans
41 B. F. Meeker
42 Wm. Jacobs
43 John O'Brien
44 William Miller
45 Daniel M. Eveland
46 H. S. Kepner
47 Wm. Hodgkins
48 Daniel Shepp
49 Solomon Reinsman
50 George Sharp
51 Joseph Bamclough
52 George Walker
53 Philip A. Kichs
54 Peter Heubenthal

55 Henry F. Stidfole
56 Michael Salmauch, jr.
57 Ernst Krapf
58 Anthony Krapf
59 Wilson Stine, age.
60 Edward Lloyd
61 Joseph Ratcliff
62 John Herrold
63 Frederick G. Krell
64 Simon Stein
65 Jacob Steinmetz
66 B. L. Fettcrolf
67 Wm. Collins
68 Martin Bartholoma
69 Nicholas Lurch
70 Edward F. Schindel
71 Edward Gillespie
72 Adam Klump
73 William Bicinian
74 F. H. Bender
75 Thomas Purcell
76 Albert H. Tiley
77 George Deis
78 James James
79 William Morgan
80 James Gillespie
81 William Tiley
82 William Evans
83 Thomas Fox
84 David Griffith
85 George W. Cole
86 Daniel Shirey
87 Michael Beard
88 Philip Kropp
89 Simon Whetstone
90 Nicholas Kmith
91 John Byrant
92 William Gillespie
93 Frank Munday
94 Frank Ellick
95 George Schilbe
96 Edward Munday
97 George Eckert
98 John Schilbe
99 Thomas W. Richards
100 James L. Pfleger
101 Wm. Hauser, age.
102 Patrick Fox
103 August Roediger
104 Cormick Higgins
105 John H. Stedfole
106 Simon Farmon
107 John Kline
108 Ernst Remon
109 Charles Boyle
110 James D. Mulhein
111 Nicholas Henb
112 Henry Schaeffer
113 B. T. Hughes
114 Samuel Beard
115 Reuben C. Rolhrer
116 James Munday
117 Edward C. Williams
118 Thomas Munday, sr.
119 Thomas Carrington
120 Andrew Stine
121 George Scheudumpf
122 John Eckhart
123 John M. Carron
124 John P. Heubenthal (age).
125 B. Zimmerman
126 William Fox
127 William Barth
128 Herman Weissig
129 John Kehler
130 Charles Whitfield
131 Christian Byrant
132 Isadore Losch
133 Edward Keaton
134 Charles M. Greene
135 Arthur Raspbridge
136 Gottleib Henry
137 Watkins Beynon
138 John M. Hughes
139 Frank Allen
140 Charles Allen
141 Harrison Bright
142 Lewis Ramale
143 Daniel Kershner
144 Adam Wittig
145 Bernard McNelis
146 Conrad Specht
147 John Hirsch
148 Frederick Krell
149 Conrad Briscloff
150 Andrew Seidle
151 Martin Wittig
152 Wm. Heckman
153 Wm. N. Alber
154 Frederick Walter
155 Daniel Kline
156 Nathan Neifert
157 Wm Higgins
158 John Williams
159 Peter C. Heilman
160 Philip Kolp
161 Wm. Draper, Draper
162 Albert Richards
163 Jere Boas
164 Christopher Brode
165 John Remon
166 Nicholas Hoffman

167 Edward Kennedy
168 George Hahn
169 John Womelsdorf
170 Anthony Brinken
171 Jacob Farber
172 Frank Farber
173 Peter Keilman
174 Barney Mulhast
175 John Zickler, sr.
176 John Zickler, jr.
177 Rudolph Feist
178 William Pugh
179 Philip Farber
180 Anthony Bets, sr.
181 Henry Sellegart
182 Simon Loewenstein
183 Miles Herold
184 Wm. Schilbe (age).
185 Seligman Livingston
186 Lucian H. Allen
187 Cornelius Kilday
188 John A. Heisch
189 Joseph Lowenstein
190 Conrad Lichtenhan
191 Christopher Brode, jr.
192 Thomas Thomas
193 Joseph Adam
194 Michael Sproul
195 John Winkle
196 Nicholas Kich
197 Chauncy Hare
198 Albert Hadesty (age).
199 Samuel Lloyd
200 Wm. G. Sanders
201 George Becker
202 Jacob Rimbach
203 Stephan Whetstone
204 Wm. R. Jones
205 Christian Sipt
206 Anthony Betz, jr.
207 Wm. Goephert
208 Daniel M. Cawley
209 Wm. Weldon
210 Charles Adam
211 Charles Cromby
212 George Kelner
213 Lewis Zimmerman
214 George F. Kich
215 Wm. Byel
216 Jacob Fetter
217 John Randall
218 J. M. Hadesty
219 Patrick Farrell
220 Wm. Lane
221 Erastus Kinzle
222 Charles Ruff
223 Jenkin Evans
224 John Wenk
225 Wm. Turnbach
226 A. L. Leopold
227 Balza Raabe
228 Wm. Ojchucan
229 John Schrer
230 Simon Miller
231 Frederick Remon
232 Jeremiah Kershner
233 Henry Breisch
234 Thomas M. Millan
235 Isaac Shaeffer
236 Aaron Lane
237 Charles S. Kerns
238 John Tyle
239 John Williams
240 Patrick Carlin
241 George Schmauch
242 David Bailey
243 Peter Hartman
244 Wm. H. Fry
245 Wm. Rumble
246 Wm. Kaufman
247 John James
248 Lot Kirkpatrick
249 Adam Kronenberger
250 Thomas Jones
251 Nice Farey
252 Jacob Schmauch
253 John Filey
254 Charles Fairer
255 George Shissler
256 Henry Schifferstein
257 George Isleib
258 John Isleib
259 John C. Beck
260 George Higgins
261 Jacob Kull
262 Frederick Scheide
263 Peter Ferve
264 George Miller
265 Christian Krell
266 Valentina Wittig
267 William Krell, (blind.)
268 Francis Hoffman
269 Henry Porr
270 Thomas Haldeman
271 Nathan Kershner
272 Conrad Kich
273 Lewis Pfeil
274 Edward Kennedy
275 James Kilday
276 Peter Schugard
277 Eli Shaeffer
278 Michael Heigley

279 Ernst Pfeil
280 Israel Reifsnyder
281 David W. Davis
282 John Schugart
283 Martin Schugart
284 James Billig
285 George Krell
286 Saml. A. Williams
287 John Scheid, (age.)
288 Adam Scheid
289 Burkhart Herwig
290 Jacob Ackerman, sr.
291 Joseph L. Mackey
292 John Leidiger
293 Peter Becker
294 John Hendricks
295 H. B. Graeff
296 Valentine Calhouse
297 John Krell
298 Wm. Krell
299 Frederick Miller
300 Owen McCauley, (age.)
301 Daniel Fenstermacher
302 John Lewis
303 Daniel Weaver
304 Christian Bactger
305 Wm. H. Fink
306 George Stein
307 Samuel Adams
308 John Donat
309 Thomas Furey
310 Joseph Sassaman
311 Henry Rinker
312 Peter Eltingham
313 Peter Livdeman
314 John Scheidiger
315 Henry Taylor
316 John K. Hauser
317 Adam Schad
318 Gideon Staller
319 Wm. Hodgkins, jr.
320 Joseph Hodgkins
321 Henry Storch
322 Thomas Edwards
323 Conrad Krause, 2d
324 Henry Meine
325 George Wagner
326 Edmund Walters
327 David Randall
328 Henry C. Robert
329 George Brode
330 John G. Shoep
331 John Taylor
332 George Kepner
333 Barney McCarron
334 Peter McIllanny
335 Walter Randall
336 Jacob Ackerman, jr.
337 Sylvester Laner.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss :

I, Thomas F. Kerns, prothonotary of the court of common pleas in and for said county, do certify that the foregoing is a true copy of the list of voters for north ward, Tamaqua, in said county, filed among the records of said court the 8th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 10th day of February, A. D. 1877.

[SEAL.]

THOS. F. KERNS,
Prothonotary.

EXHIBIT J J.—*H. K. Weston, Notary Public.*

List of voters who voted in the east ward, in the borough of Tamaqua, Schuylkill County, Pennsylvania, November 7, election 1876.

1 Frederick Kolb
2 John Campbell
3 E. A. Dermishtan
4 Daniel Moyer
5 H. A. Spiese
6 Geo. W. Ferd, age.
7 William Schope
8 William Saridrock
9 John Masterson
10 John Brill
11 William Priser
12 Henry Kick
13 John Ralston
14 John Krell Butcher
15 Fred Wiggand
16 Michael Kaerney
17 E. M. Whetstone
18 Fred Lawall

19 William Brawn
20 Willoby C. Betthoff
21 Adam Storick
22 Preston Robinson
23 Chas. H. Weldy, age.
24 Jacob Westman
25 Sol. Pfleger
26 Joshua Morgan, age.
27 William Zeigler
28 Andrew Hasting
29 John Haw
30 John Kick
31 Lewis Beck, jr.
32 Andrew Rohner
33 John F. Hauser
34 J. B. Urick
35 Emanuel Kepner
36 Jacob H. Lutz
37 Daniel Williams
38 Thomas B. Thomas, age.
39 Geo. D. Priser
40 Adam Hartwig
41 Geo. Shoemaker
42 John Zehner
43 Frank Schwartz
44 A. H. Glassmire
45 John Heffler
46 Daniel Halderman
47 Peter Keilman
48 C. Frendentur
49 Mr. T. Davis
50 Baltzer Oschman
51 Andrew Raab
52 Fred Beltzner
53 N. Seitzinger
54 Jonas Ringer
55 John Boyle
56 Conrad Fey
57 Amandus Lutz
58 Henry Ray, sr., colored.
59 Robert Fibick
60 Thomas Kleppinger
61 Daniel Flexer
62 Daniel Kemerer
63 Salandus Lutz
64 Joseph Leiby
65 Philip Steine
66 Chas. Steigerwalk
67 Saml. Leopold
68 Webster C. Priser, age.
69 James W. Kershner
70 Darius Schreffler
71 John Deist
72 Jacob Rice
73 Henry Miller Tailor
74 Philip Eichenbrade, blind.
75 Geo. Mibrodt
76 Daniel Morgan
77 Lazarus Rice
78 Thomas Cole
79 Sol. Lowenstine
80 Peter Cox
81 Jacob Homan
82 Lawrence Berger
83 John Fulton
84 Chas. Heiser
85 John Dailey
86 Milton Steigerwalk
87 William Leiby
88 Michael Mull
89 James Scott, lame.
90 Henry R. Seitzinger
91 Paulanus Scherer
92 Joseph Baur, M. D.
93 E. D. Eynan
94 Conrad Limbing
95 Lewis Beck
96 Thomas Purcell
97 Fred Kell, shoemaker
98 Christian Filler, do
99 John H. Fink
100 Thomas Scheick
101 Thomas Carter, col.
102 Henry Mullen
103 Robert L. Ratcliff
104 David R. Beynon
105 Frank McFartan
106 James Weldron
107 Pat. Mundy
108 James Purcell
109 J. B. Lindermuth
110 E. J. Faley
111 Jacob Heister
112 David Reinbold
113 Emil Albrecht
114 Carpenter, G. T.
115 William Keen
116 William Haber
117 Ernst Reaman
118 Morgan Boyer
119 Lewis Buehler
120 Thomas Caumon
121 Martin Kelly
122 James Moyer
123 Geo. W. Denmistan
124 Christ Erley
125 John Sharp
126 William T. Marrow
127 Lawrence Kalnig
128 Evan T. Jones
129 Gotleib Freudenberger
130 Martin Halwig

131 Henry Zert
132 William Davis, professor.
133 Fredk. Miller, sr.
134 Daniel Skelly
135 John Boyle
136 William Cooper
137 Jacob R. Seityinger
138 B. O. Witman
139 Fred J. Scheider
140 Herbert Philips
141 S. R. Medlar
142 John Foerer
143 Peter Krause
144 E. M. Gibbs
145 Simon Erby
146 Isreal Miller
147 Jacob Reichelderfer, sr.
148 Geo. Baur
149 John Sherry
150 William Weaver
151 Geo. Warrington
152 David Morgan
153 Henry Urick
154 Simon Goodbettel
155 August Raab
156 John Geisinger
157 Lewis Kershner
158 Joseph Pinkerton
159 Jacob Almer
160 Fred Lowe
161 Geo. M. Keilman
162 Wm. Barton
163 E. F. Hansberger
164 Henry Noll
165 P. Cronenberger
166 Henry Becker
167 H. A. Weldy
168 Jerry Hendricks
169 John Goeppert
170 Henry Busi
171 Hugh Tamony
172 James Berry
173 Thomas J. Brade
174 Eleazer Woomer
175 Daniel Kemp
176 David Thomas
177 Frank Boyer
178 James Boyer, age.
179 Nicholas Beltz
180 Adam Focht
181 E. J. Smoyer, D. D.
182 James Mullen
183 Justice Dice
184 John Wiggand
185 Michael Stine
186 Lewis Byle
187 Martin Bark
188 Thomas Gould
189 Fred Rice, age
190 Jacob Rice, jr.
191 Paterick Nolson
192 Edward Boyle
193 Hugh Mundy
194 Herman Knease
195 R. N. Nuss
196 Philip Eildee
197 Mermus Burns
198 William Beil
199 Isaac Stahler
200 Abram Stahler
201 Abram Halslemen
202 Thomas Pierce
203 James Johnson
204 Edward Kelly
205 Geo. S. Allen
206 Halam Chester
207 Frank Wink
208 William Ames
209 Henry James
210 Christ Scheide
211 Jacob Reichledurper, jr.
212 George Schad
213 William Storick
214 John Staufenberg
215 Conard Clansius
216 Joseph Haldeman
217 Bartlett Kraft
218 D. R. Boyer
219 Dennis Ghallagher
220 Geo. Krause
221 Geo. Steinert
222 Henry Sell
223 D. E. Whitenight
224 James Whealtey
225 The. Buri
226 Morgan Williams, sr.
227 Charles Eberlin
228 Lewis Rice
229 Wilson Stigerwalt, age.
230 William Shears
231 George Ness
232 Valentine Ness
233 William Geulfud
234 Pat McLaughlin
235 H. W. Boulaid
236 George Boyle
237 John Eelling
238 Henry Mullen
239 John Boyle
240 John F. Crater
241 C. Hilligas
242 O. Moore
243 Wm. Oschman
244 John Gallagher

245 George Knease
246 Andrew Frank
247 Isaac Haldeman
248 Lewis Moyer
249 Conrad Miller, age.
250 Joss T. Manchimake
251 John Griffiths
252 Jonas Frantz
253 Ed. Davis
254 Casper Snyder
255 John Beil
256 John Stahler
257 Nathan Hauser
258 Jasper Stahler
259 Adam Martin
260 Danl. Reichlederfer
261 Geo. Roediger
262 Morgan Williams
263 E. A. James
264 Jacob Schwalm
265 Wm. H. Kneeleane
266 Philip Kellee
267 Elias Medler
268 Eli Wertmen
269 James Geisinger
270 Joseph H. Graser
271 John Kennedy
272 William Nehr
273 Lewis K. Schwartz
274 Wm. A. Nehrhart
275 P. McIntyre
276 Chas. Powel
277 John Addams
278 L. S. Follwaler
279 Henry Kleckner
280 Christine Flexer
281 D. D. Eveland
282 Benj. Eakrotk
283 Lawrence Barrett
284 George Raalu; age
285 Thomas S. Cartne
286 Fred. Edling
287 Philip Walldner
288 Lewis Sassaman
289 Jacob Walter
290 Geo. P. Thumdrink
291 Peter Maser
292 Nathan H. Hauser
293 Jesse Kershner, jr.
294 David R. Beerkey
295 David Matson; colored.
296 Oliver Danbleger; age
297 Jacob T. Brawin
298 Casper Brell
299 David Nahf
300 Henry Brell
301 Benj. Nahf
302 John Snyder
303 George Brodebeck
304 Joseph Nahf
305 Peter Nahf
306 Augustus Miller
307 Jesse Nahf
308 Edward Brennan
309 Henry Knute
310 William Walters
311 Chas. Rinker
312 Emanuel Fisher
313 Lewis Geiger
314 Martin Sembuch; age
315 John Nahf
316 Henry Walters
317 Henry Storick
318 Isaac Chester
319 Rufus Kemery
320 Walter Brynon
321 John Sembach
322 Jacob Semback
323 John Bartner
324 Geo. Hoffman
325 Chas. Nahf; age
326 William Westman; age
327 A. A. Yaninyton
328 Pat. Lofferty
329 Samuel Brode
330 Thos. Z. Brode
331 Daniel Snawly
332 Chas. Richards
333 Frank Spiece
334 Christ. Schane
335 Mat. Halderman
336 Frank Gallagher
337 Jacob Frick
338 Samuel Kershner
339 Lanshot Fearer
340 Julius Sindel
341 John H. Gallagher
342 John Billman
343 Will Campbell
344 John Hoot
345 Thos. Dernblazer
346 Philip Storick
347 William Lyne
348 Valentine Isleite
349 Thomas Skelly; age
350 Mahlon Jacoby
351 Michael Backert
352 Daniel Reichelden; breakman
353 Jacob Fulton; age
354 William Pflume
355 Geo. Buckhammon

Less 1, John Shamp, 125, leaving 354 votes polled.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss :

I, Thomas F. Kerns, prothonotary of the court of common pleas in and for said county, do certify that the foregoing is a true copy of the list of voters for the east ward in the borough of Tamaqua, in said county, filed among the records of said court on the 8th day of November, A. D. 1876.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 10th day of February, A. D. 1877.

THS. F. KERNS,
Prothonotary.

EXHIBIT K K.—*H. K. Weston, Notary Public.*

List of voters who voted in south ward, Tamaqua, Schuylkill County, general November election, 1876.

1 Wm. Draper
2 Peter Bissel
3 George Wilford
4 Peter Dodson
5 Francis S. Curran
6 D. T. Bower
7 Erastus Hinckley
8 Wallace Guss
9 W. J. McHugh
10 Z. T. Ratcliff
11 Richard Curnow
12 Humphrey Donoboe
13 J. H. Poutins
14 J. W. Abbott
15 Stephen Jones
16 Daniel Dean
17 B. F. Day
18 Moses Lutz
19 Rowland Jones
20 C. B. Drehr
21 P. P. Haas
22 George Werner
23 H. T. Haas
24 Jas. B. Cole
25 John T. Higgins
26 Charles Shoener
27 Robt. F. Detchburn
28 Wm. H. Kintzle
29 John S. Boyer
30 Saml. Dodson
31 Benjamin Delp
32 James Taggert
33 Abram Houser
34 James Scott
35 Philip Holt
36 Wm. Wolff
37 C. T. Terry
38 Wm. B. Lebo
39 Philip Dormetzer
40 John M. Wook
41 Peter McEnroe
42 Robert Rinker
43 Daniel Hendricks
44 Chas. Vaugn
45 P. McCommas
46 George L. Boyd
47 H. K. Aurand
48 Stephen Frantz
49 Benj. Curnow
50 H. C. Mennig; age.
51 George W. Hadesty
52 Marcus Swenk
53 Wm. P. Sowers; age
54 Jacob Kranch
55 George Werner
56 Samuel Koenig
57 Edward Mundy
58 Lafayette Fritsch
59 Jos. E. Hess
60 George Wiggan
61 E. F. Solade
62 Philip Allspach
63 Henry S. Crammer
64 Peter Hirsh
65 Michael Burrell
66 Francis Conyngham
67 I. S. Schaeffer
68 John Hartley
69 A. S. Boughner
70 S. J. Naumburger
71 Jas. M. Deener
72 Chas F. Deener
73 Saml. J. Ratcliff
74 Jonas Tyne
75 J. J. Kaufman
76 Frederick Danner
77 Abram L. Thomas
78 C. F. Shindel

79 John Donohoe
80 Adolph Zerklebach
81 George M. Boyer
82 Samuel Stephens
83 James Donohoe
84 Philip McNellis
85 Wm. B. Bensinger
86 John H. Billig
87 Conrad Iffland
88 James Codrington
89 Robert Carter
90 Samuel Ratcliffe
91 Edward Dorsey
92 Christian Schepfer
93 Silas Williams
94 Jacob Glace
95 John Long
96 James Smitham
97 Andrew Haupt
98 Wm. Boyer
99 J. L. Speece
100 Michael Wagner
101 Daniel Donohoe
102 Wm. Calloway
103 Wm. Carter; tax
104 Thomas Walker
105 W. T. Walker; age
106 Jas. W. Walker
107 J. E. Cardwell
108 Manasses Michael
109 Stephen Smith
110 Geo. C. Shoemaker
111 John W. Rinehart
112 Jos. Richardson, tax
113 W. A. Shoemaker
114 John H. Lutz
115 Christ. Lusch
116 J. Alspach
117 Pat. Stapleton
118 J. F. Fisher
119 Thos. Hagerty
120 Jacob B. Shock
121 Edward Fritz
122 S. Jefferson
123 J. W. Kantner
124 Isaac Whetstone
125 Thomas Clark
126 Patrick Dolan
127 Wm. Zeigenfuss
128 Jas. W. Kershner
129 Terrence Cunningham
130 John Stapleton
131 Jesse F. Geissinge
132 Moses Sassaman
133 Solomon Adams
134 Archy Harris
135 George Vardy
136 C. Scheinepanning
137 Geo. Wilford, jr.
138 N. Shiverstein
139 Robt. C. Sleath
140 Geo. A. Boyer
141 John T. Bond
142 Francis Boyer
143 John Miller
144 Israel Hine
145 Harry E. Carter
146 Jas. S. Eveland
147 Harry Laudenbacher
148 John A. Shoemaker
149 Philip McIntyre, jr.
150 Henry Beltz
151 Wm. Johns
152 Christian Metzger
153 Wm. C. Fry
154 Wm. Bachert
155 A. H. Duell
156 Wm. T. Southam
157 T. H. Carter
158 Robert Harris
159 John Southam
160 Otis Buckman
161 Robert Fry
162 Michael Bumsheer
163 Thos. Boyer, age
164 Daniel Boyer
165 Edwin Blewett
166 Peter Hauser
167 S. L. Sheafer
168 Daniel Campble
169 C. G. Schirner
170 J. C. F. Schirner
171 P. J. Keiser
172 Patrick Coyle
173 Edward Gill
174 Ed. W. Waters
175 Peter Dillman
176 Horace Focht
177 John Weston
178 Christopher Weldon
179 Isaac Leopold
180 Patrick Trainor
181 Lewis Williams
182 David Burrell
183 Frank Shue
184 Thos. C. Boyd
185 Saml. Kleckner
186 Charles Thomas
187 Aaron King
188 Robert L. Leyburn
189 Robert Mackey
190 Henry Steinert

191 John Booth
192 Lazarus Rinehart
193 Adam Kutz
194 Peter Matthews
195 Wm. Killan
196 James Boyd
197 A. A. Grier
198 Daniel Kleckner
199 W. J. Griffiths
200 William Davis
201 Jacob Lutz
202 John Herby
203 James Fry
204 Frank Haldeman
205 Frank Wetstone
206 Luke McCool
207 James McConnell
208 John McConnell
209 Peter Trainor
210 Valentine Fry
211 Robert York
212 Thos. Trainor
213 Henry Shuck
214 Edward Haldeman
215 Patrick Cadden
216 Chas. A. Haas, age
217 George Bond
218 Samuel Allen
219 Charles Wood
220 Frank Hartzell
221 George Spooler
222 Thomas Allen
223 Thos. McBeem, age
224 Michael McCaffrey
225 Joseph Southarn
226 Franklin Trout
227 John Bauseman
228 W. M. Miller
229 Wm. Kemmery
230 James Heaton
231 David Phayre
232 J. Yeager; tax
233 W. Lindsey
234 W. J. Haverstock; tax
235 Henry Kauffman
236 Martin Henry
237 John L. Henry
238 Robt. J. Ratcliff
239 Jacob Sellers
240 John W. Oxley
241 Jacob Trout
242 August Case
243 Lewis M. Labenburg
244 George Kaercher, jr.
245 Wm. A. Lebo
246 John G. Weldon
247 Amos Graul
248 John Mucklow
249 Wm. Hittle
250 John Bauseman
251 Wm. Edmonds
252 Thomas Carter
253 Charles Sterner
254 Henry Allpach
255 Chas. Defrehn
256 John Arner
257 John Shiverstein
258 Christian Bachman
259 James Settlemoyer
260 Jesse Springer
261 George Kershner
262 Benjamin Guldner
263 Charles Walker
264 Henry K. Lutz
265 Joseph Bardsly
266 Valentine Schivellbentz
267 James Miller
268 Henry W. Gable
269 Jesse Geisinger
270 Geo. W. Day
271 James Walker
272 Wm. C. Swenk
273 D. C. Barton
274 Wm. F. Barton
275 Philip McBreen
276 John Fry
277 D. K. Derr
278 John L. Sparks
279 Abner Weston
280 W. H. Mucklow
281 Jacob Kaercher
282 Wm. Richardson
283 Wm. Parkinson
284 Patrick Delany
285 Henry Sipple
286 Edward Shane
287 Andrew Lindsey; A.
288 Samuel Campble
289 Nathan Knepper
290 Noah Hauser
291 Daniel Trout
292 Albert Shiverstein
293 George B. Vardy
294 Thomas Mundy, jr.
295 Eli Geltner
296 John T. King
297 Francis Heaton
298 Lewis Knepper
299 W. H. Haldeman
300 Conrad Herwig
301 Thos. Emmett
302 Daniel Endy

303 Samuel Nafe
304 Francis Lynch
305 Henry Donohoe
306 John F. Boyer
307 Isaac Sands
308 Reuben Kershner
309 Isaac Fry
310 Wm. Booth
311 Henry Bachus
312 Aaron Frantz
313 Wm. H. Griffiths
314 Daniel Eagan
315 Joseph Reilley; age
316 John Kaercher
317 T. D. Boone
318 John Higgins
319 Christian Walter

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, do certify that the foregoing is a true copy of a list of voters for south ward, Tamaqua, in said county, filed among the records of said court the 8th day of November, A. D. 1876.

In testimony whereof I have hereto set my hand and affixed the seal of said court this 10th day of February, A. D. 1877.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT L L.—*H. K. Weston, Notary Public.*

Return of county and State taxes of Blythe Township for the year 1874, *by John Hede, collector.*

Armstrong, Wm., left	$0 25	
Aird, Wm., left	1 50	
Brennan, Pat, left	1 50	
Brennan, John, left	75	
Battersby, Michael, left	25	
Burk, John, left	1 60	06
Butler, James, left	85	06
Brannan, James, left	75	
Boarn, Peter, left	1 60	06
Brannan, Michael, left	75	
Brown, Condy, left	75	
Brannan, Daniel, left	1 50	
Bachman, John, left	75	
Burk, John, left	75	
Carlin. Pat, left	75	
Cain, Pat, left	25	
Coton, Thos., left	1 50	
Connell, Pat, left	35	06
Canfield, John, left	1 50	06
Conroy, Robt., left	1 50	
Cain, James, left	35	
Coyle, James, left	1 50	
Coogan, Rich., left	25	
Carroll, Law., left	85	06
Carlon, John, left	1 50	
Caton, Wm., left	1 50	
Camcy, Rich., left	85	06
Callery, Pat, left	1 60	06
Clemens, John, left	1 50	
Connelly, John, left	1 50	

Cogan, Mich., deceased		25	
Coury, Wm., left	1	60	
Cox, Pat, left	1	60	
Cahil, Edw., left		75	
Curtis, Thos., left		75	
Carlin, Esther, left		10	06
Campbell, Anthony, left		75	
Dilling, Chas., left		35	06
Doyle, Widow		10	06
Deitch, George, deceased		35	06
Dougherty, Anthony, left		75	
Dougherty, Henry, left		75	
Donahue, James, old		25	
Devlin, John, left	1	50	
Dougherty, Hugh, left		75	
Dailey, Francis, left		75	
Doyle, John, left	1	50	
Daily, Peter, left		75	
Dooley, Michael, left		75	
Dillon, Edwd., left		75	
Dumphy, Edw., left	1	50	
Dodds, Sam, left	1	50	
Devlin, Edwd., left		75	
Devlin, James, left	1	50	
Dumphy, James, left		75	
Donahue, Dan, left		75	
Davis, John, left		75	
Dougherty, David, left		75	
Duffy, Michael, left		75	
Doyle, James, left		75	
Devine, Thos., left		75	
Early, Pat, left		75	
Edwards, Rich., left		25	
Edwards, Thos., left		75	
Fogarty, John, left	1	50	
Farrell, Jas., left		35	06
Fogarty, Edw., left		25	
Finley, Miles, left		75	
Flanagan, James, left	1	50	
Fogarty, Law., deceased		75	
Fogarty, Edw., left		75	
Folty, Mich., left		75	
Farrell, Wm., left		75	
Flanigan, Mich., left	1	50	
Gritz, Dan, left		75	
Hede, Mich., left		85	06
Hampert, Mich., left		75	
Hoffman, Peter, left		88	08
Hannah, Wm., left	1	60	06
Hummell, Sebastian, left		95	12
Henniger, Zach, left		75	
Hegins, Pat, left	1	60	06
Hegins, Mich., left		75	
Haughney, John, left		75	
Jones, Thos., left		25	
Jones, David, cripple		25	

Jones, Thos. G., left		75	
Kief, John, left	1	60	06
Knowles, James, left	1	50	
Kerenvin, James, left		36	06
Kerenvin, Mich., left	1	50	
Kerns, Mich., left		75	
Kelsh, Cath.		10	06
Kief, Bernard, left		75	
Kone, Wm., left	1	50	
Kenady, Alex, left		75	
Lawler, Wm., left	1	60	06
Lawler, Andrew, left	1	60	06
Little, Thos., left	1	60	06
Lick, James, left		75	
Lyons, Luke, left		25	
Little, Thos., left		75	
Langton, Michael, left	1	50	
Little, Pat, left		75	
Larkins, John, left	1	50	
Lyons, Dan, left		75	
McAvoy, Michael, left		75	
McManus, Thos., left	1	50	
McDonald, Andrew, left		75	
Murry, Wm., left	2	35	51
Malone, Dan, left		75	
Martin, Denis, left		75	
McManus, Pat, left	1	60	06
Mackey, Dan, left		75	
Mackey, Edward, left		75	
Mackey, Dan G., left		25	
McLees, James, left		25	
Martin, Thos., left		25	
Mooney, Pat, left		25	
Millet, Jos., left		25	
Murray, Pat, left		25	
McAllister, Thos., left		38	08
McEleny, Robt., left	1	50	
McDonald, Dan, left	1	50	
McCabe, Alex., left		85	06
McGovern, Jas., left	1	50	
McGovern, Thos., left		75	
McArell, Bernard, left	1	60	06
Mullen, Pat., left	1	50	
Martin, Wm., left		75	
Murray, Bernard, left		75	
McGee, James, left		75	
McGee, Pat, left	1	50	
Mooney, James, left		75	
McCabe, Jas., left		75	
Martin, Michael, left	1	50	
McQuail, Mary, left		10	06
Miller, Francis, left		75	
Murray, Thos., left		75	
Novins, Jas., left		35	06
Norris, Peter, left	1	50	
Nicholson, James, left	1	50	

O'Donald, Pat., left		25	
O'Bryan, Mich., left.		75	
O'Brien, Pat., left		75	
O'Neil, Bryan, left		75	
O'Bryan, Wm., left		75	
Owells, James, left		75	
Owells, Tim., left		75	
O'Herron, Tim., left	1	50	
O'Herron, John, left	1	50	
O'Herron, Thos., left	1	60	06
Orr, Robt., left	1	50	
Owells, John, left		75	
Pugh, Wm., left	1	50	
Purcell, Mich., left	1	60	06
Phalen, Law., left	1	50	
Phalen, John, left	1	50	
Purcell, Mich., left	1	60	06
Quinn, Rodger, left		25	
Ryan, Jas., left		35	06
Robb, George, left		75	
Ryan, Edw., left	1	50	
Reynolds, John, left	1	50	
Rosser, Jacob, left	1	50	
Ryon, John, left		75	
Rudolf, Chas., left		75	
Reed, Wm., left	1	50	
Shillock, Lewis, left	1	63	08
Shields, Pat., left		25	
Sheiry, George, left		75	
Shields, David, left	1	50	
Sheafer, Matilda, left		10	06
Smith, Joseph, left		75	
Thomas, John, left	1	50	
Tolan, Denis, left		75	
Tool, James, left	1	50	
Thomas, D., left	1	50	
Tipping, Abra., left		85	06
Tolan, Michael, left		75	
Watkins, Sam., left		75	
Webb, Jos., left	1	50	
Wasson, Steward, left		75	
Williams, Edward, left	1	60	06
Wommer, Simon, left		75	
Whalen, James, left		75	
Wasson, Robt., left		25	
Welsh, Pat., left		85	06
Whalen, Mich., left		75	
Walsh, Thos., left		75	
Williams, Thos., left		75	
Williams, Thos. J., left	1	50	
Ross. Pat., left		75	
McLaughlin left		75	
Devine, Joseph, left		74	
Price, Mrs. Jos., poor		75	
Carroll, Chas., reduction	2	21	
Kernan, Mich., left	1	50	

Real estate.

Bickel, Schall & Kepplier:		
250 acres land, $5,000	25	00
Gillapie, Dominick:		
1 lot, $50		25
Kaskawillian Coal Co.:		
200 acres land and improvements, $14,000	70	00
200 acres land and improvements, $14,000	70	00
213 acres land and improvements, $17,040	85	20
30 acres land and improvements, $2,520	12	60
66 acres land and improvements, $660	3	30
Kenna, Michael:		
1 lot and house, $75		38
O'Brien, John:		
2 lots, $400	2	00
Robb & Winebrenner:		
55 acres land, $4,125	20	63
110 acres land, $2,200	11	00
Silliman & Weston:		
555 acres land, $13,875	69	38

SCHUYLKILL COUNTY, *ss:*

On the 27th day of January, 1875, personally appeared before me, clerk of the commissioners in and for said county, John Hede, collector of Blythe Township for the year 1874, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

JOHN HEDE.

Sworn and subscribed before me.

O. J. AREGOOD, *Clerk.*

STATE OF PENNSYLVANIA,
County of Schuylkill ss:

I, E. A. Schartel, clerk of the board of county commissioners of Schuylkill County aforesaid, do hereby certify that the foregoing is a correct copy of the return of county and State taxes for Blythe Township, in said county, for the year 1874, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office this 12th day of February, A. D. 1877.

[SEAL.] Attest: E. A. SCHARTEL, *Clerk.*

EXHIBIT M M.—*H. K. Weston, Notary Public.*

Return of county and State taxes of Blythe Township for the year 1875.

Armstrong, William, sick	$0	25	
Aird, William, poor	1	50	
Breslin, William, dead		85	
Burke, John, poor	1	60	05
Born, Peter, poor	1	60	06
Brennan, Daniel, poor	1	50	
Bochner, John, not found		75	
Burris, Richard, poor		75	
Bourn, John, in jail	1	50	

Bourn, Peter, cripple	25	
Burke, John, poor	75	
Battersby, Michael, dead	25	
Cain, Patrick, old	25	
Caton, Thomas, poor	1 50	
Conroy, Robert	1 50	
Cain, Edward	1 60	06
Cogan, Richard	25	
Carlin, John, not found	1 50	
Carney, Richard	85	06
Cayton, Wm	1 50	
Clemmens, John	1 50	
Cornelly, John	1 50	
Coxe, Patrick	75	
Canfield, Pat. R., not found	1 50	
Canfield, James, poor	1 60	
Coyle, James	1 50	
Connelly, James	1 63	53
Cahill, Edward	75	
Curtis, Thomas, very old	75	
Clemins, Noble, in jail	75	
Campbell, Anthony, left	75	
Dillon, Charles, too poor	35	06
Dougherty, John, very old	25	
Dougherty, Anthony, left	75	
Donahoe, Henry, too poor	75	
Dougherty, Bernard, very old	35	06
Donohoe, James, very old	25	
Doyle, Michael, cripple	75	
Daily, Francis, too poor	75	
Doyle, John, too poor	1 50	
Daily, Peter, left	75	
Daily, Michael, too poor	75	
Dillen, Edward, left	75	
Dodds, Samuel, too poor	1 50	
Dougherty, Anthony, left	1 98	29
Delcamp, Emanuel, left	1 60	06
Donahoe, Daniel, left	75	
Dougherty, David, not of age	75	
Doyle, James, left	75	
Devlin, Patrick, very old	25	
Devine, Thomas, dead	75	
Delaney, Pat. R., not found	75	
Daily, Michael, very old	25	
Edwards, Richards, very old	25	
Edwards, Thomas, not found	75	
Fogerty, John, sick	1 50	
Fay, Michael, too poor	85	06
Fogerty, Edw'd, very old	25	
Fisher, James, too poor	1 60	6
Flanigan, Mich'l, old and sickly	35	6
Flynn, John, left	75	
Finly, Miles, too poor	75	
Flanigan, Mich'l, left	1 50	
Gallagher, Dennis, left	1 50	
Gaffeny, Philip, too poor	85	6

Getz, David, not found		75	
Hutton, James, very old		25	
Hede, Michael		85	
Hamphert, Mich'l, too poor		75	
Hummel, Sebastain, left		95	12
Hemiger, Zachariah, left		75	
Hegins, Pat'k, left	1	60	6
Johnston, Pat'k, very old		36	6
Kenna, Mich'l, dead	1	50	
Keff, John, too poor	1	60	6
Kerwin, James, very old		35	6
Kearns, Mich'l, very old		75	
Kennedy, Alex., left		75	
Kelsh, John, left		75	
Latter, Wm., not found	1	60	6
Laller, Andrew, not found	1	60	6
Leech, James		75	
Lions, Luke, very old		25	
Little, Thomas, left		75	
Laughlin, Mich'l, left	1	50	
Little, Pat'k, left		75	
McAvoy, Mich'l, lelt		75	
McManus, Thomas	1	60	6
McManard, Pat'k, sick	1	60	6
Mackey, Daniel, poor		75	
Mackey, Daniel K., very old		25	
Martin, Mich'l, left	1	50	
Money, Pat'k, very old		25	
Ryan, John, too poor		36	6
Rour, John	1	60	6
Robb, George, left		75	
Ryan, Pat'k, sick	1	50	
Ross, John, left		75	
Ryan, John, too poor		75	
Robb, Solomon, dead		75	
Reed, Wm., left	1	50	
Silcox, Lewis, too poor	1	63	8
Shirey, George, too poor		75	
Shields, David, too poor	1	50	
Stableton, Pat'k, too poor		75	
Smith, Joseph, left		75	
Tolan, Dennis, left		75	
Tool, James, left	1	50	
Thomas, John D., left	1	50	
Watkins, Sam'l, left		75	
Webb, Joseph, too poor	1	50	
Wason, Steward, too poor		75	
Welsh, Patrick		85	6
Winback, Wm., not found		75	
Williams, Tho's J., too poor	1	50	
Wheeler, Joseph, left	1	50	
McGovern, Tho's, dead		75	
McArdel, Bernard, left	1	60	6
Morgan, Thomas, left	1	50	
McDowell, Henry, cripple	1	50	
Murry, Thomas, left		75	

McGee, James		75	
McGee, Pat'k	1	50	
Murrey, Bernard, left	1	50	
William, Martin, too poor		75	
McLaughlin, James, too poor		75	
Murrey, John		35	6
Morris, James		35	6
Nail, Mich'l	1	50	
Norris, Peter, left	1	50	
Nicholson, James, dead	1	50	
Nunamacher, Moses, left	2	25	45
O'Bryan, James, too poor		85	6
O'Donnell, Patrick, too poor		25	
O'Bryne, Michael, left		75	
O'Bryne, Patrick, too poor		75	
Owes, James, too poor		75	
O'Hanen, John, too poor	1	50	
O'Hanen, Timothy, too poor	1	60	6
Orr, Robert, left	1	50	
Owels, John, too poor		75	
Pugh, Wm., left	1	50	
Pursell, Mich'l, shot	1	60	6
Pursell, James, left		75	

SCHUYLKILL COUNTY, *ss:*

On the 25th day of January, 1876, personally appeared before me, clerk of commissioners in and for said county, John Hede, collector of Blythe Township for the year 1875, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

JOHN HEDE,
Collector.

Sworn and subscribed before me.

E. A. SCHARTEL,
Clerk.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners for Schuylkill County, do hereby certify that the foregoing is a correct copy of the return of county and State taxes of Blythe Township, in said county, for the year 1875, as the same appears of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office this twelfth day of February, A. D. 1877.

[SEAL.] Attest:

E. A. SCHARTEL,
Clerk.

EXHIBIT N N.—*H. K. Weston, Notary Public.*

Return of State, county, and building tax of Blythe Township for the year 1876.—Barney O'Donnell collector.

Armstrong, Wm., not found	$0	75	08
Barrett, John, left	1	50	15
Bachman, John B., not found		75	08

Boran, Peter, in jail		25	03
Cain, Patr., very old		25	03
Campbell, Anthony, left		75	08
Carl, Wm., left	1	50	15
Dillon, Chas., dead		35	04
Donohoe, James, dead		25	03
Doyle, Michael, left		25	03
Dodds, Samuel, left	1	50	15
Davis, Evan, left	1	50	15
Hegins, Martin, left		75	08
Jones, David, left		25	03
Jones, Thomas, old and very poor		25	03
Jones, Daniel, not found	1	50	15
Jones, Francis, left		75	08
Kerran, Michael, not found	1	50	15
Keal, Wm., not found	1	50	15
Kennedy, Alex., left		75	08
Little, Thos., dead	1	60	16
Laughton, Michael, not found	1	50	15
Major, James, left	1	23	13
McLaughlin, Wm., left		75	08
McArdle, Bernard, left	1	60	16
Mulhall, James, left		75	08
Morrison, Arthur, not of age		75	08
Murry, Chas., not found	1	50	15
O'Hearn, John, left	1	50	15
Purcell, James, not found		75	08
Phalen, Patrick, not found	1	50	15
Ryon, Edward, exempt by commissioners		50	05
Sykes, Samuel, left	1	50	15
Tool, James, left		25	03
Watkins, Samuel, dead		75	08
Webb, Joseph, left		25	03
Whalen, Joseph, left	1	50	15
Ross, James, left		75	08
Ryon, John		75	08

SCHUYLKILL COUNTY, *ss:*

On the 20th day of January, 1877, personally appeared before me, one of the commissioners in and for said county, Bernard O'Donnell, collector of Blythe Township for the year 1876, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

BERNARD O'DONNELL,
Collector.

Sworn and subscribed before me.

LOUIS BLASS,
Commissioner.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners for Schuylkill County aforesaid, do hereby certify that the foregoing is a correct copy of the State, county, and building taxes for Blythe Town-

ship, in said county, for the year 1876, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office this 12th day of February, A. D. 1877.

[SEAL.] Attest: E. A. SCHARTEL,
Clerk.

EXHIBIT O O.—*H. K. Weston, Notary Public.*

Return of county and State taxes of Butler Township for the year 1874, *by A. Carey, collector.*

Apples, Fred, left	$1 25
Apples, Michael, left	75
Burman, Anthony, left	75
Banghorst, Jas., left	75
Bear, John, left	75
Billman, Daniel, left	1 50
Bancroft, Jos., double	25
Bushpiece, Gotleib, left	1 50
Boughen, Elizabeth, errors	1 00
Bouble, John, old	50
Bensinger, Elijah, left	1 50
Bast, Eman, reduction	89 60
Besser, James	75
Bensley, Andrew	50
Berger, James	1 50
Barrett, Pat., double	1 50
Barrett, John, sick	75
Benman, Andrew	75
Betz, Isaac, double	4 50
Broderick, Wm., left	75
Bolton, James	75
Betz, Edward	75
Bendles, George	75
Barnhill, Francis	75
Beisel, George, left	75
Boy, Nernis	75
Boyle, Martin, left	75
Bishop, Harry, left	75
Buthoward, Chas., left	1 50
Bushpiece, Chas., deceased	75
Boltz, Wm., left	75
Boltz, John, left	75
Boltz, Fred., left	75
Bean, John, left	75
Boyle, Daniel, left	75
Broderick, Wm., left	75
Braselton, Abe, left	1 50
Carroll, Thos., double	75
Crow, Samuel	75
Collier, Wm	1 50
Connelly, Michael, left	75
Connelly, James, left	75
Cable, Hugh, left	1 50
Conway, Edward, left	75
Connor, Ephraim, left	1 07

Cook, Henry, sick	75
Cannon, Owen, sick	75
Cond, Michael	1 50
Collins, Dennis	75
Clark, John	1 50
Coney, Thomas	1 50
Casey, Law, double	75
Conner, Hugh, left	75
Cormick, Peter, double	1 50
Crow, Henry, double	1 50
Casey, Edward	75
Curry, Jchn	75
Conners, Michael	75
Cooper, James	75
Carbley, William, poor	25
Connors, James	75
Coogan, Pat	1 50
Couston, Peter	75
Cunnyngham, James	75
Cummins, Francis	75
Christian, Winfield	75
Caufman, Alex., double	1 50
Cauffield, John, error	75
Carey, James	75
Carroll, Thomas	1 50
Comway, Peter	75
Cain, James	1 50
Crow, Samuel	75
Cluck, Peter, double	75
Conry, Thomas	75
Creamer, Daniel	75
Corby, Matthew left	1 50
Cavanagh, Thomas, left	75
Dinger, Samuel, left	75
Dolan, Pat, double	1 50
Dougherty, Pat., left	75
Dougherty, Chas., sick	1 50
Densmore, Robert, left	75
Devert, Michael, sick	1 75
Dolan, Thomas, left	75
Dunsmore, Henry, double	4 00
Dawson, Matthew, left	75
Dolan, Pat., left	75
Durkin, Thomas, left	1 50
Deeds, Daniel, left	75
Dolan, John, double	75
Doud, John, left	75
Dixon, Pat., left	75
Dryers, Christ., left	75
Dougherty, Thomas, left	75
Dealy, Wm., old	50
Denkin, Wm., left	75
Dunkelberger, Albert, error in Gird	1 38
Eckert, Enoch, error, in Gird	2 00
Efferson, John, error, in Gird	3 00
Engel, John, double	3 00

Ebert, Edward, left 75
Ebert, George, left 75
Edwards, Wm., Gird 1 75
Ellis, Rich., left 75
Eckert, Francis, left 75
Ernest, Frank, left 75
Evans, John, left 1 50
Evans, Parry, left 75
Ebert, Wm., left 75
Fell, John, error 1 75
Former, Joseph, dec'd 75
Fox, David, left 1 50
Foy, Henry, left 75
Flahey, Thomas, double 1 00
Fell, John, left 1 50
Faust, Jonathan, double 5 00
Fritz, Pat., double 1 00
Fell, Law., dec'd 75
Feustermacher, James, left 75
Fisher, David, left 75
Fitzgerald, Morris, left 1 50
Fisher, David, double 75
Fitzgerald, John, left 1 50
Farrell, Anthony, old 50
Fells, John, left 1 50
Frederick, Reuben, left 75
Feligan, Saml., left 1 50
Finegan, John, left 50
Fitzgerald, John, old, dec'd 50
Fritz, Samuel, left 75
Farnan, Pat., left 75
Finerty, Peter, left 75
Freeney, Thomas, minor 75
Feele, Barth, left 1 50
Farnsworth, James, dec'd 75
Fetheroff, Josiah, left 75
Freese, Peter, left 75
Farrell, Martin, left 1 50
Finn, Daniel, left 1 50
Forben, Walter, left 75
Gill, Martin, left 75
Gallagher, Pat., left 1 50
Ginter, Theodore, left 75
Gardner, Robert 75
Glick, Aaron, Girardville 3 75
Gallagher, Mich., poor 1 50
Gordon, Thos., in Grd 1 50
Goff, Wm., left 75
Gubins, Anthony, left 75
Gillasby, Thomas, poor 75
Glenwright, Thos., left 75
Gundone, Theo., left 1 50
Griffiths, Thos., double 75
Glenwright, Thomas, double 1 50
Garvin, Wm., left 1 50
Heckler, John, left 75

Hines, Denis, left	75
Healey, Peter, left	75
Hoffman, Wesley, error	3 50
Holleran, Thomas, left	75
Harvey, John, left	75
Hoffman, Henry, left	75
Hobin, Bridger, in Girard	1 50
Harper, Joseph, left	1 50
Howells, Samuel, in Girard	3 00
Holleran, John, left	1 63
Hoffman, James, left	75
Howard, Denis	75
Horsefield, Wm., in Girard	1 50
Hoffman, Andrew, left	75
Heffner, Eckert, left	1 13
Howard, George, error	75
Haupt, Wendal, left	1 50
Handy, Pat., sick	75
Holland, Daniel, left	75
Houck, Sam'l, left	75
Heffrour, Law., left	75
Hartz, Frank, left	75
Hopkins, James, left	75
Hoffman, Dotter, double	2 50
Heiser, Wm., left	50
Hooter, Pat., left	50
Hernice, Chas., left	75
Holton, James, left	75
Hakins, John, left	1 50
Hobin, John, left	1 50
Hennigan, Pat	40
Hobin, Pat	38
Harris, Joseph, left	1 50
Horan, Thomas, left	75
Hadesty, Hiram, left	75
Holvey, Hugh, left	1 50
Jones, John, double	50
Jones, Edward, left	1 50
Jones, John, dec'd	1 50
Joseph, Gab, left	75
Jones, John, double	1 50
Jones, Henry, left	1 50
Jones, Wm., left	1 50
Jones, Edw., sick	75
Jones, Bill, left	1 50
Keller, Rudolph, left	75
Krasfield, Eman., left	1 50
Kraft, Susan, double	2 25
King, Owen, left	50
Knebel, Jacob, left	75
Knipple, Joseph, left	75
Kenney, Pat., left	40
Kleber, Louis, left	75
Kenney, Edward, in Gird	1 50
Kelly, John, double	1 50
Karney, Edw., left	1 50

King, Mors, double	50
Kelly, Barney, left	1 50
Kilter, Anthony	25
Kilker, James, left	75
Kelly, James, left	1 50
Kelbride, Thomas, left	1 50
Kelbridge, Michael, left	1 50
Leech, Adam, left	75
Loftus, Pat., left	75
Lyon, Wesley, left	1 13
Lehon, Michael, left	1 50
Leonard, Pat., in Gird	2 50
Logan, James, left	75
Lehan, Pat., left	75
Lee, Edw., left	75
Lewis, Wm., left	1 50
Lenger, J. H., left	1 50
Landers, John, left	75
Link, Val., left	1 50
Locpont, August, left	75
Large, Denis, left	75
Large, Wm., left	75
Large, Thomas, left	75
Low, Elizabeth, error	75
Maurer, Wm., left	75
McCoy, Thos., left	50
Mort, Adam, left	1 50
Miller, Sam., left	75
Miles, Thos., left	75
Monaghan, John, double	75
McKeon, John, in Gird	4 50
Mulherring, Owen, sick	1 00
McCale, Pat., double	1 00
Mallins, James, in Gird	1 25
Maurer, Wm., left	75
Morgan, Watkin, reduc	5 00
Maurer, Sol., double	3 50
Moyer, David, dec'd	1 50
Mahon, Wm., left	1 50
McCoy, John, left	25
Michael, Wm., double	2 00
McGuire, Pat., left	75
Mulhollen, Thos., double	2 00
McGuire, Cath., poor	38
Maloney, Thos., double	75
Miles, Wiles, left	75
McCormick, Pat., double	1 50
McDonough, James, left	75
Mullen, Edward, left	75
Mullin, Pat., left	75
McHale, John, left	75
Meyer, Josiah, left	75
Marshal, James, left	75
McCale, John, jr., left	75
Miles, John, left	75
Moyer, Wm., double	1 50

McCabe, James, left	1 50
Meford, Hartman, left	75
Murphy, John, left	75
Morris, James, left	75
McAndrew, Pat., left	2 25
Mader, James, left	25
Meer, Josiah, double	75
Moyer, David, double	1 50
Miller, Peter, left	75
McNally, Rich., left	1 50
Maurer, Adam, left	75
Noon, Anthony, left	38
Nicholas, John, left	75
Nichter, Francis, double	1 50
Natris, George, left	1 50
Nervin, John, left	75
Nicholas, Wm., left	1 50
Nice, Jacob, left	75
Noon, Pat., left	1 50
O'Neil, Edw., sick	25
O'Neil, Edw., left	75
Osterman, Joseph, dec'd	1 50
O'Boyle, Thos., sick	75
O'Bryan, Pat., double	1 50
Porger, Adam, left	1 50
Pitz, Christ., left	75
Phillips, Philip, left	75
Proctor, Rich., left	1 50
Paul, James, left	75
Pain, John, left	75
Perry, Evan, left	1 50
Quirk, Wm., left	75
Reese, David, left	38
Rice, Wm., left	1 50
Reilly, John, double	1 50
Ross, Wm., left	1 50
Rollin, John, left	75
Rick, Christ., left	1 50
Roach, Pat., left	75
Raust, August, left	75
Roach, John, left	75
Ross, Chas., left	2 50
Redling, George, left	75
Rusdwin, Wm., left	75
Romberger, Chas., left	75
Rogers, Chas., left	75
R. R. R. Co., reduct.	32 00
Rosser, Joseph, left	75
Reese, John, left	2 00
Sweeney, John, left	75
Shields, Simon, left	1 50
Stroheck, Sam., left	75
Schubel, Robt., left	1 00
Scanlon, Morris	1 50
Silkrod, left	75
Shutt, Philip, left	50

Schultz, George, double	1 25
Snyder, Frank, left	75
Smith, George, left	1 50
Sheuper, Robert, reduct	4 15
Stebel, Isadore, reduct	5 00
Snyder, Peter, left	75
Shindle, Geo., left	1 50
Silpax, Sam., left	75
Stringer, David, double	1 50
Sanford, John, left	1 50
Simon, Samuel, left	75
Thomas, Robert, left	1 50
Threas, Thos., left	1 50
Thompson, James, left	1 13
Thomson, Edw., left	1 50
Tallet, Dominick, left	75
Tallet, David, double	2 00
Tallet, Thos., left	75
Tallet, Wm., left	75
Uhl, John, left	75
Umhoff, Jacob, left	75
Venard, Anthony, poor	1 50
Wilson, A. C., left	75
Wentridge, Eliza, double	2 21
Wagner, John, double	3 25
Winless, John, left	1 50
Walter, Jacob, left	70
Wills, Joseph, in Gird	3 51
Williams, Griffith, left	75
Watson, Walter, left	1 50
Weaver, George, left	1 50
Waslur, John, left	1 50
Weber, Wm., left	75
Wagner, John, left	75
White, Mrs., poor	63
Whalon, John, poor	75
Watts, Wm., left	75
Well, Benton, left	75
Webber, Henry, left	1 50
Wise, Henry, left	75
Wisemiller, Gottleib, left	75
Witman, Charles, left	1 50
Wilson, Alfred, left	75
Wolfgang, Elias, left	75
Wilkes, Jarnall, left	75
Yoder, John, left	75
Zerbe, Nathan, left	75
Shean, Michael, left	75
Shorer, Mich., left	75
Sause, August, left	75
Shuster, John, left	1 50
Scally, Michael, left	75
Shannon, Montg., left	75
Stanton, Pat., left	75
Sweeny, James, left	1 50
Bensinger, Elijah, 1 lot, $75	38

Bast, Emanuel, 94 acres land, $4,700	23	50
Brensill, Philips & Co., 50 acres land, $2,000	10	00
Eagan, Lucy, 1 lot, $100		50
Folk, Christian, 1 lot, $50		25
Gallagher, Mary, 1 lot, $100		50
Gallagher, Margaret, 1 lot, $100		50
Hughes, John, 1 lot, $150		75
Jacobs, James, 1 lot, $100		50
Kake, Cornel, 116 acres land, $4,800	24	00
Knapp, R. E., 1 house, $600	3	00
Lyman, Brook, Leffert & McManus, one-half of 230 acres land, $20,325	101	63
McBarron, John, 300 acres land, $9,000	45	00
Mullen, James, 1 lot, $100		50
Morrell, Benja., one-half lot and house, $400	2	00
Morris, R. R., 1 lot and house, $500	2	50
McUgo, 1 house and lot, $200	1	00
Pott, Frank, 1 lot, $100		50
Peck, Edward, 1 lot, $100		50
Paul, Rebecca, 1 lot and house, $300	1	50
Rice, John, 300 acres land, $15,000	75	00
Seitzinger, Peter K., est., 150 acres land, $2,000	10	00
Shaw, Matthew, 1 lot and house, $600	3	00
Sommerville, Wm., 2 lots and houses, $200	1	00
Sheidy, Daniel, 1 lot, $50		25
Schwindt, Theodore, 10 acres land, $400	2	00
Schleesman, August, 1 house, $200	1	00
Shean, Michael, one-half lot, $75		38
Taylor, Lindsey, 1 lot and improvements, $2,000	10	00
Wasser, George, 1 lot, $50		25
Williams, Mary, 1 lot, $50		25
Yoder, John, 9 lots, $100		50

SCHUYLKILL COUNTY, *ss:*

On the 25th day of January, 1875, personally appeared before me, clerk of the commissioners in and for said county, Anthony Carey, collector of Butler Township for the year 1874, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought to be collected, to the best of his knowledge and belief.

ANTHONY CAREY.

Sworn and subscribed before me.

O. J. AREGOOD, *Clerk.*

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners of Schuylkill County aforesaid, do hereby certify that the foregoing is a correct copy of the return of county and State taxes for Butler Township, in said county, for the year 1874, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and seal of said office this 12th day of February, A. D. 1877.

[SEAL.] Attest: E. A. SCHARTEL, *Clerk.*

EXHIBIT P P.—*H. K. Weston, Notary Public.*

Return of county and State taxes of Butler Township, for the year 1875, *by Bryan Monaghan, collector.*

Apples, Michael, left	$0	75	
Aaron, Orman, left		75	
Bearman, Anthony, left		75	
Bear, John, left	1	50	
Bauble, John, poor		50	
Bensinger, Elijah, left	1	88	
Bysil, Joseph, left		75	
Burger, James, not found	1	50	
Barrett, Patrick, double assessed	1	50	
Boyle, Edwin, not found		75	
Bienny, Crawford, overassessed		75	
Bienny, Robert, left		87	$0 08
Bienny, Crawford, left	1	50	
Bearman, Andrew, left		75	
Broderick, William, double assessed		75	
Bolton, James, not found		75	
Belte, Edward, left		75	
Beugles, George, left		75	
Bysil, George, left		75	
Boylan, Martin, left		75	
Benny, Aleck, left	1	50	
Brennan, Farden, left		75	
Buthoward, Chas., left	1	50	
Benning, John, left		75	
Baltz, William, left	1	50	
Boltz, John, not found		75	
Bean, John, left		75	
Boyles, Daniel, left		75	
Baskin, James, left		75	
Brennan, John, left		75	
Brennan, John, left		75	
Brown, Michael, left		75	
Buckhower, Chas., left		75	
Cannon, Owen, jr., left		75	
Coustein, Jolly, not found		75	
Crowe, Samuel, left		75	
Collier, Wm., left	1	50	
Connelly, Michael, left		75	
Cullen, James, double assessed	1	50	
Connely, James, left		75	
Collihan, Michael, overassessed		75	
Carey, Michael, dead	1	50	
Cable, Hugh, not found	1	50	
Conrad, Ephraim, left		75	12
Cooke, Henry, sickly		75	
Cunningham, Owen, left		75	
Caud, Michael, not found	1	50	
Collins, Dennis, left		75	
Cormick, Pat, double assessed	1	50	
Cettan, Robert, left	1	50	
Casey, Lawrence, double assessed		75	
Comers, Hugh, not found		75	

Cleaver, Louis, double assessed	75
Crowe, Henry, left	1 50
Curry, John, left	75
Curbly, Wm., poor	25
Cullins, James, left	75
Coogan, Patrick, not found	1 50
Constance, Peter, left	75
Conners, James, not of age	75
Cummins, Francis, not found	75
Caufman, Aleck, double assessed	1 50
Cluck, Peter, not found	75
Conry, Thos., left	75
Cunningham, John, not of age	75
Cerley, Nathan, double assessed	1 50
Craft, Fritz, left	75
Conners, Thos., left	75
Coon, Daniel, left	75
Clarke, Thos., not of age	75
Callin, Patrick, left	75
Constine, Jabez, not found	75
Cannon, Owen, 1 shanty, sickly	75
Conduff, Owen, poor	1 00
Condon, John, 1 shanty	50
Durglebey, Samuel, not found	75
Durkin, John, left	1 50
Dolan, Thos., left	75
Dawson, Matthew, left	75
Durkin, Thos., overassessed	75
Deeds, Daniel, not found	75
Dolan, James, left	75
Dolan, John, left	1 50
Derr, Wm., not of age	75
Dean, Samuel, left	75
Dryer, Christ, left	75
Daley, Wm., dead	50
Durkin, Bill, left	75
Derr, Israel, left	75
Deibert, Francis, left	75
Davy, John, error	1 50
Deibert, John, left	75
Dolphin, John, not of age	75
Dooley, Thos., left	75
Dolan, Wm., jr., not of age	75
Dolan, Wm., left	75
Davis, Thos, not found	75
Dunkin, Thos., left	1 50
Dolan, Pat'k, left	75
Dougherty, Anthony, not of sound mind	75
Everly, Thos., left	75
Engly, John, error	3 00
Ebert, Edward, left	75
Ebert George, left	75
Edwards, Wm., left, 1 lot and house	1 75
Ellis, Richard, left	75
Eckert, Francis, left	1 50
Evans, John, left	1 50

Evans, Parry, left	75
Ebert, Wm., left	75
Evans, John, left	75
Fell, John, dead	75
Farrel, John, poor	1 50
Furick, John, left	75
Fisher, Daniel	75
Fitzgerald, Morris, overassessed	75
Fitzgerald, John, left	75
Farrel, Anthony, not found	50
Fertig, Jonathan, left	1 50
Frederick, Reuben, left	75
Feeney, Patrick, disabled	1 50
Finnegan, Pat'k, not found	75
Farrel, Patrick, poor	$0 75
Fitzpatrick, John, old	50
Fritz, Samuel, not found	75
Farren, Patrick, left	75
Finnerty, Peter, left	1 50
Franey, Thomas, left	75
Fetterloff, Josiah, left	75
Frease, Peter, left	75
Finn, Daniel, left	1 50
Farmer, Henry, left	75
Finn, William,	75
Fitzpatrick, Mary, double assessed	1 00
Gaghgannon, Michael, not found	75
Garing, Michael, poor, 2 shanties	1 25
Grow, Elizabeth, double assessed	2 50
Granger, Samuel, double assessed	75
Grady, Thos., disabled	1 50
Gillaspie, Thos., left	75
Gunder, Theodore, double assessed	1 50
Getz, F. W., in Ashland	75
Griffiths, Thomas, overassessed	75
Gavan, Wm., left	1 50
Gallagher, Daniel, not of age	75
Garvey, John, left	75
Garvey, Patrick, left	75
Griffis, Thomas, left	1 50
Gardner, Robert, poor	75
Gunder, Ernest, poor and old	1 50
Henry, Chas., not found	75
Hoben, Bridget, error	1 50
Hubler, Edward, not found	75
Howles, Samuel, left	3 00
Horsewood, Wm., left	1 50
Haffman, Adam, left	75
Heffner, Eckert, insane	1 13
Horsewood, George, overassessed	75
Hanahan, Patk., left	50
Harte, Wm., old	50
Henly, Patk., poor	75
Hepler, Joseph, not found	75
Huck, Samuel, left	75
Hoffman, Peter, 1 house, error	75

Hopkins, James, not found		75
Hopkins, David, transferred		75
Heiser, Chas., not found		75
Haltes, James, not found		75
Hoben, John, not found	1	50
Henigan, Patk., old		40
Hoben, Patk., 1 shanty		38
Harris, Joseph, not found	1	50
Hearne, Owen, dead		75
Haupt, Wm., left	1	50
Howsteen, Wm., jr., left		75
Haulman, John, left		75
Haley, Michael, not of age		75
Haley, John, overassessed	1	50
Hegins, Martin, not of age		75
Haley, John, not of age		75
Harpens, Martin, not found		75
Hererty, Anthony, not found		75
Hernier, Henry, not found		75
Harte, Wm., not of age		75
Jones, Edward, not found	1	50
Jones, Ebenezer, left		75
Jones, Henry, left	1	50
Jones, William, left	1	50
Joyce, Edward, cripple		75
Jones, Bill, not found	1	50
Joyce, Thos., left		75
Keirnan, Patk. double assessed	2	13 08
Kneafield, Emanuel, left	1	50
Kelly, John, G. B.	1	50
Kellery, Christ., overassessed		75
King, Owen, dead		50
Kluck, Peter, overassessed		75
Knipples, Jos., left		75
Keegan, Peter, left		75
Kinnery, Michael, overassessed	1	50
Kenny, Pat'k, old and poor		40
Kenny, John, left		75
Kelly, John, left	1	50
King, Michael, left		75
Kersher, Peter, not found		75
Kenebran, Louis, not found		75
King, Anthony, not found	1	50
Keeler, Joel, poor		75
Kouper, Wm., old, overassessed		75
Keeler, Charles, 1 horse		75
Scott, Michael, left, poor		75
Leech, Adam, left, poor		75
Loftus, Patrick, left, poor		75
Lynch, Thos., dead		50
Logan, James, left		75
Lehan, Patrick, poor		75
Lavelle, Martin, overassessed		75
Lee, Edward, left		75
Lewis, W. jr., left	1	50
Langle, J. H., left	1	50

Lapor, August, left		75
Large, Dennis, left	1	50
Large, Thomas, left		75
Large, Wm., left		75
Lynch, J. C., not found		75
Miller, Joseph, left	1	50
Mills, Harry, poor		75
Mower, Wm., not found		75
McCook, Thos., not found		50
Mowerer, Solomon, double assessed	2	75
Miller, Samuel, left		75
McCale, Patrick, double assessed	1	75
Morth, Adam, overassessed		75
Maguire, Michael, left		75
Moyer, David, dead	1	50
Mahan, Wm., left	1	50
McCoy, John, old		25
Miller, West, poor		75
McDonough, James, left		75
McAndrew, James, left	1	50
Mullen, Edward, not found		75
Mullen, Patrick, poor		75
McTague, Ewd., overassessed		75
McCale, Richard, left	1	50
McCale, John, left		75
Morris, R. R., G. B	2	50
McUgo, not found	1	00
Mull, Andrew, not found		75
McCale, John, jr., not found		75
Moyer, Wm., not found		75
Miller, Chas. B., not found		75
Murphy, John, not found		75
Mirppler, Josiah, not found		75
McDonald, John, not found		75
Moran, Thos., poor	1	50
McNamee, Stephen, left	1	50
Moyer, David, left	1	50
Murphy, Michael, overassessed		75
McDonald, John, poor	1	50
Meehan, Thos., left		75
McAnally, Richard, left	1	50
Morris, David, left		75
McDonough, Michael, left		75
McIntyre, James, not of age		75
McDermott, Thos., old		50
Murphy, Patk., away		75
McCabe, Peter, away		75
Mullen, Michael, away	1	50
McAndrew, Patk., double assessed	2	75
McDonald, Michael, 1 house, burned		75
McManaman, Owen, poor		75
Nichols, John F., left		75
Nevinger, Alfred, left		75
Naples, Francis, dead	1	50
Noon, Patrick, double assessed		75
Navin, John, dead		75

Nice, Jacob, away	75
Nicholas, Wm., away	1 50
Nolan, James, away	75
Nolan, Patrick, away	75
Nocktribe, Robert, away	1 50
Noon, Anthony, poor, 1 house	1 25
O'Neil, Edward, old	25
O'Brien, Patrick, G. B	75
O'Boyle, Thomas, poor	75
Otto, Wm., cripple	75
O'Boyle, Edward, not found	75
O'Neal, John, not found	75
O'Neal, Edward, poor	75
O'Neal, Martin, left	75
Osterman, August, overassessed	75
Padden, Patrick, 1 shanty, burned	50
Phillips, Philip, left	75
Powell, John, left	75
Parry, Evans, left	1 50
Pitzpatrick, John, left	1 50
Rooney, John, poor	75
Rice, John, not found	75
Rice, Michael, left	1 50
Quirk, Wm., left	75
Ross, Wm., left	1 50
Rolpin, Henry, left	75
Reiger, Henry, left	75
Roarke, Wm., poor	75
Redly, George, not found	75
Rushwin, Wm., not found	75
Rodgers, Chas., not found	75
Rogair, Davis, not found	75
Rodgers, John, not found	75
Roach, Patk., poor	75
Smith, Thos., not found	75
Sweeney, John, left	75
Stuffenberger, Chas., dead	75
Schultz, Philip, old	50
Snyder, Frank, left	75
Smith, Theodore, error	2 00
Sheoraw, Michael, left	75
Scanlan, Michael, left	75
Sharmin, Montgomery, poor	50
Sullivan, Cornelius, left	75
Stanton, Patk., poor	75
Sener, Martin, poor	1 50
Smith, Chas., dead, has land	50
Sweeney, James, C. P., left	1 50
Selfox, Samuel, left	75
Stringer, David, left	1 50
Shornsherry, Michael, poor	75
Smith, Charles, dead	75
Seltzer, Frederick, left	1 50
Seltzer, Ferdinand, left	75
Shrader, Chas., left	75
Schells, Edward, poor	75

Shuster, Joseph, left	75
Shultz, Frank, left	1 50
Suffering, John, left	75
Slanghart, David, error	75
Schreble, Barney, overassessed	75
Sweeney, Michael, 1 house burnt	1 00
Summersville, Wm., 1 lot and house transferred	75
Thomas, Robert, not found	1 50
Travers, Thomas, not found	1 50
Thompson, Edward, not found	1 50
Thomas, Evans, not found	1 50
Taylor, Lindsley & Co., error	1 00
Tellet, David, left	2 00
Thompson, Ephraim, left	75
Thompson, Alfred, overassessed	75
Tallot, Wm., left	75
Troutman, P., jr., left	75
Troutman, John, left	75
Umholtz, Chas., left	1 50
Uhl, John, left	75
Umlauf, John, left	75
Wuse, John, not found	75
Waughan, Reuben, not found	75
Vernard, Anthony, poor	75
Wilson, E. C., not found	75
Wayne, John, error	3 00
Wilson, Chas., poor	75
Williams, Griffith, left	75
Watson, Waters, left	1 50
Williams, George	
Webber, David, left	1 50
Washer, John, left	1 50
White, Mrs., poor	63
Watts, Wm., left	75
Wallace, Wm., left	75
Welbin, Stein, left	75
Wolheiser, Thos., left	1 50
Werber, Henry, left	2 25
Witterman, Chas., left	1 50
Willaw, Michael, dead	75
Wolfgang, Elias, not found	75
Young, Robert, left	75
Yost, Thos., left	75
Yoder, John, not found	75
Zertic, Wm., not found	75
Seitzinger, Peter R., est	11 00
Loftus, Patrick, 1 shanty burned	50
McAndrew, Patrick, poor	1 50
McCormick, John, poor	75
Maloney, Michael, poor	75
Rowlan, James, poor	75
Holland, Daniel, poor	1 15
David, John, poor	75
Joyce, James, poor	75
Keeler, Chas., for ref	75
Seltzer, Lewis	3 40
Royley, John, 1 house not in township	1 50

Real estate.

Atwood, Annie, 1 lot, $50		25
Boyer, George, 10 acres, $200	1	00
Bright, Barbara, 1 lot, $50		25
Brinzel, Philip, 50 acres, $2,000	10	00
Betz, Isaac, 5 lots, $900	4	50
Bolick, Michael, 8 lots, $400	2	00
Deane, Patrick, 1 house, $200	1	00
Dixon, Rose, 1 house, $200	1	00
Diebert, Francis W., 1 lot, $150		75
Gallagher, Mary, 1 lot, $100		50
Gallagher, Margaret, 1 lot, $100		50
Hughes, John, 1 lot, $150		75
Harper, Joseph, 1 lot, $100		50
Huffman, Dutter, 1 lot and house, $500	2	50
James, John, 1 lot, $100		50
Kraft, Susan, 1 lot and house, $450	2	25
Cake, Col., 116 acres, $4,800	24	00
Lyman Brooks (Seyfert, McManus & Co.), one half of 230 acres, $20,325	101	63
McBaron, John, 300 acres, $9,000	45	00
McDonald, John, 1 house, $75		38
Nolan, Mrs., 1 house, $500	2	50
Reed, Israel, 125 acres, $5,000	25	00
Rice, John, 300 acres, $15,000	75	00
Smith, Thos., 1 lot and house, $300	1	50
Sheidy, Daniel, 1 lot, $50		25
Washer, John, 1 lot, $50		25
Yoder, John, 1 lot, $100		50
Schultz, George, jr., 1 lot and house, $250	1	25
Cahel, Michael, 1 lot, $50		25
Cauffman, Jacob, 1 lot, $50		25
Price, John, one-half lot and house, $500	2	50
Pott, Frank, 1 lot, $100		50
Peck, Edward, 1 lot, $100		50
Seitzinger, Peter, 150 acres, $2,000	10	00
Eagan, Lucy, 1 lot, $100		50
Williams, Mary, 1 lot, $50		25
City of Philadelphia, double assessed	154	19

SCHUYLKILL COUNTY, *ss:*

On the 24th day of January, 1876, personally appeared before me, clerk of the commissioners in and for said county, Bryan Monaghan, collector of Butler Township for the year 1875, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowedge and belief.

BRYAN MONAGHAN, *Collector.*

Sworn and subscribed before me.

E. A. SCHARTEL, *Clerk.*

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners of Schuylkill county aforesaid, do hereby certify that the foregoing is a cor-

rect copy of the return of county and State taxes of Butler Township, in said county, for the year 1875, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office this twelfth day of February, A. D. 1877.

[SEAL.] Attest: E. A. SCHARTEL, *Clerk.*

EXHIBIT Q Q.—*H. K. Weston, Notary Public.*

Return of county, State, and building tax, for the year 1876, *of Butler Township, by Bryan Monaghan, collector.*

Beney, Crawford, old	$0	75	08
Brennan, Fadden, not found		75	08
Bosha, John, deceased	1	50	15
Brennan, John, left		75	08
Beam, Michael, not found		75	08
Brennan, Thomas, not found	1	50	15
Baling, John, not found		75	08
Brennan, John, poor		75	08
Brown, John, double		75	08
Costello, Michael, hospital	1	50	15
Cannon, Owen, poor		75	08
Cunningham, Owen, gone		75	08
Conway, Edward, gone		75	08
Curbly, Wm., cripple		25	13
Cox, James, gone	1	50	15
Constantine, Peter, not found		75	08
Curry, John, gone		75	08
Costello, John, gone	1	50	15
Cunningham, John, not age		75	08
Cavanagh, Thos., poor		75	08
Clark, Thos., not age		75	08
Cullen, Patrick, not age		75	08
Corney, Thomas, away		75	08
Casey, James, not found		75	08
Cannon, Patrick, gone		75	08
Coslo, Thomas, not found		75	08
Casey, Michael, not found		75	08
Connor, Charles, emigrated		75	08
Dolan, Patrick, prison	1	50	15
Derr, Peter, away		75	08
Dieher, Boaz, away	1	50	15
Dolan, Thos., away		75	08
Dolan, Pat., not found		75	08
Dunn, George, deceased		75	08
Dougherty, Thos., hospital		75	08
Duds, Daul., not found		75	08
Dord, John, not found		75	08
Degnan, John, away		75	08
Dolphin, Wm., away	1	50	15
Durkin, Wm., away		75	08
Dunkelberger, Albert, away		75	08
Derr, Israel, away		75	08
Dolphin, John, away		75	08
Deibert, Frank, not age		75	08

Deibert, John, double		75	08
Dixon, Owen, away		75	08
Degmant, John, not found		75	08
Evans, Morgan, away	1	50	15
Edwards, Elias, not found		25	03
Forney, Joseph, gone	1	50	15
Feustermaker, James, gone		75	08
Fisher, David, gone		75	08
Fitzgerald, John, gone		75	08
Fells, Charles, gone		75	08
Feeney, Patk., sickly		75	08
Fitzpatrick, John, not found		50	05
Frentz, Peter, not found		75	08
Ferguson, Edward, deceased	1	50	15
Franey, Thos., gone		75	08
Fellbraff, Isaiah, gone		75	08
Felteroff, Henry, gone		75	08
Fleetman, Fred., cripple		75	08
Fertig, Nathan, not found	1	50	15
Gearing, Michael, sickly	1	25	13
Ginley, Michael, away	1	50	15
Gallagher, Andrew, away		75	08
Ginley, Patrick, not found		75	08
Gillaspie, Thos., poor		75	08
Griffiths, Thos., ½ of 1.50 and 15		75	08
Ginley, Anthony, gone		75	08
Garr, Thomas, double		75	08
Gaughan, John, deceased	1	25	13
Haupt, Sam'l, lives Frackville	1	30	13
Heath, Anthony, gone	1	50	15
Hoffman, Henry, deceased		75	08
Hanley, Patk., not found	1	50	15
Hanley, Patk., too poor		75	08
Hepler, Joseph, not found		75	08
Hauck, Samuel, not found		75	08
Hunici, Chas., double		75	08
Holtes, James, not found		75	08
Henegan, Patk., not found		40	04
Hobin, Patk., insane		38	04
Harris, Joseph, not found		75	08
Holvey, Joseph, away	1	50	15
Hudeson, George, away	1	50	15
Hughes, Wm., not found		75	08
Heffner, John, not found		75	08
Hoffman, Chas., not found		75	08
Hottstine, Jacob, not found		75	08
Howe, Wm., not found	1	50	15
Hegans, Martin, not age		75	08
Haley, John, away		75	08
Hart, Wm., away		75	08
Henry, Chas., away		75	08
Haupt, Wm., Frackville		75	08
Haupt, Henry, not found		75	08
Hughes, Thos., not found		75	08
Hart, Patk., away	2	50	75, 25
Howles, Wm., not found	1	50	15

Jones, John, gone	1	50	15
Krane, Lawrence, gone		75	08
Kelly, David, gone	1	50	15
Kenny, Patk., old and poor		40	04
Kershler, George, not found		75	08
King, Michael, not found		75	08
Kilker, Dennis, away		75	08
Kooper, Wm., deceased		75	08
Keeler, Joel, away		75	08
Kelley, Barney, not found		75	08
Lang, John, gone	1	50	15
Langon, John, not found		75	08
Logan, Cornelius, paid L. Gap	1	50	15
Lynch, Roderick, not found		75	08
Malowney, Patk., away		75	08
Mullen, Patk., double		75	08
Moyer, Frank, not found		75	08
Maloney, Michael, away		75	08
McConnell, Samuel, away	1	50	15
McCoy, John, old and poor		25	03
McGuire, P., away		75	08
Murphy, Patrick, away		75	08
Miller, Wise, away		75	08
Murphy, Dennis, deceased	1	50	15
Murphy, Michael, away		75	08
McDonnell, ——, not found	1	50	15
Mills, John, double		75	08
McConnell, W. R., away	1	50	15
McDonough, Michael, away		75	08
McEntyre, James, not age		75	08
Meyer, Thomas, away		75	08
McDermot, Thomas		50	05
McDonnell, Pat, not found		75	08
Maloney, John, away		75	08
McCabe, Peter, away		75	08
Morse, G. S., away		75	08
Miller, Wm., double		75	08
McDonnell, John, not found		75	08
Miley, Patk., not found		75	08
McDowell, Anthouy, not found		75	08
McGuire, John, not found		75	08
O'Neil, Edward, old		25	03
O'Neil, Edward, away		75	08
Otto, Wm., cripple		25	03
O'Boyle, Edwd., not found		75	08
O'Neil, Edwd., too poor		75	08
O'Hara, Michael, too poor		75	08
Phillips, John, away	1	50	15
Quinn, John, gone		75	08
Ramsey, Chas., gone	1	50	15
Rica, Thos., not found	1	50	15
Ruick, Wm., old		25	03
Rolland, Patk., old		50	05
Runey, Johu, away		75	08
Rolland, Thos., double	1	50	15
Reyle, Thos., not found		75	08

Shutt, Philip, old		50	05
Snyder, John, gone		75	08
Snyder, Frank, gone		75	08
Shilling, Peter, away		75	08
Smart, Bryan, sick		75	08
Shannon, Montgomery, old		75	08
Snyder, Peter, not found		75	08
Stinger, David, not found	1	50	15
Shannan, Michael, deceased		75	08
Smith, Chas., double		75	08
Steinhilbert, Saml., gone		75	08
Shells, Isaac, old		50	05
Schrader, Chas., gone		75	08
Sullivan, Pat, gone		75	08
Snyder, George, double	1	50	15
Straub, John, not found	1	50	15
Stein, Herbert, not found	1	50	15
Stein, Theodore, not found	1	50	15
Stitzel, Martin, not found		75	08
Scally, Saml., gone		75	08
Thomas, Robert, not found	1	50	15
Thomas, William, deceased		75	08
Thomas, John, double	1	50	15
Tyle, John, not found	1	50	15
Troutman, P. H., away		75	08
Troutman, John, away		75	08
Taker, Patk., away		75	08
Wilson, A. C., away		75	08
Weber, Daniel, not found	0	75	08
Wertz, Frank, not found		75	08
Wolheizer, Thomas, not found	1	50	15
Witterman, Charles, not found	1	50	15
Wolfgang, Elias, away		75	08
Welsh, Daniel, away		75	08
Wernick, Cornelius, not found		75	08
Welsh, James, away	1	50	15
Wilson, Charles A., away		75	08
Young, Robert, not found		75	08
Yoder, John, deceased		75	08
Zerbe, William, not found		75	08
Haupt, Samuel, Frackville	1	30	13
Weldon, James, away	1	50	15
Additional assessments	47	25	4 85

Real estate.

Atwood, Annie M., 1 lot, $50	$0	25	03
Boyer, George B., 1 acre, $200	1	00	10
Bensinger, Elijah, 1 lot, $75		38	04
Bright, Barbara, 1 lot, $50		25	03
Brensell, Philip, 50 acres, $2,000	10	00	1 00
Betz, Isaac, Deep Creek, 5 lots, $900	4	50	45
Barlow, Daniel, 33 acres, $990	4	95	50
Cahill, Michael, 1 lot, $50		25	03
Coffman, Jacob, 1 lot, $50		25	03
Deibert, Frank W., 1 lot, $150		75	08

Eagan, Lucy, 1 lot, $150		75	08
Evans, Evan E., 34 acres, $1,000		5 00	50
Farrell, John, 108 acres, $1,200		6 00	60
Gallagher, Mary, 1 lot $100		50	05
Haupt, Samuel, 19 acres and improvements, $4,350	21 75	2 18	
Hoffman, Dotter, 1 lot and house, $500		2 50	25
James, John, 1 lot, $100		50	05
Kraft, Susan, 1 lot and house, $450		2 25	23
Kake, Colonel, 116 acres, $4,800	24 00	2 40	
King, Michael, 1 house, $100		50	05
Lyman Brooks, Seybert & McManus, one-half of 230 acres, $20,325	101 63	10 17	
Mullen, Patrick, 8 acres and house, $250		1 25	13
Pott, Frank, 1 lot, $100		50	05
Peck, Edward, 1 lot, $100		50	05
Powell, Rebecca, 1 lot and house, $300		1 50	15
Royhe, John, 1 house, $300		1 50	15
Reed, Israel, 125 acres, $5,000	25 00	2 50	
Seitzinger, Peter K., 150 acres, $2,000	10 00	1 00	
Smith, Daniel, 1 lot and house, $200		1 00	10
Smith, Thomas, 1 lot and house, $300		1 50	15
Summersville, William, 1 lot, $50		25	03
Sheidy, Daniel, 1 lot, $50		25	03
Wasser, George, 1 lot, $50		25	03
Williams, Mary, 1 lot, $50		25	03
Waltner & Wagner, 1 car-shop, $1,500		7 50	75
Weldon, James, 2 lots and house, $2,000	10 00	1 00	
Wayne, John Barry, 1 lot, $50		25	03
Yeoder, John, 1 lot, $100		50	05

SCHUYLKILL COUNTY, *ss:*

On the 27th day of December, 1876, personally appeared before me one of the commissioners in and for said county, Bryan Monaghan, collector of Butler Township for the year 1876, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

BRYAN MONAGHAN, *Collector.*

Sworn and subscribed before me.

M. W. FEHR, *Commissioner.*

STATE OF PENNSYLVANIA, *County of Schuylkill, ss:*

I, E. A. Schartel, clerk of the board of county commissioners of Schuylkill County aforesaid, do hereby certify that the foregoing is a correct copy of the return of county, State, and building tax, for the year 1876, of Butler Township, in the said county, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office this 12th day of February, A. D. 1877.

[SEAL.] Attest:

E. A. SCHARTEL, *Clerk.*

EXHIBIT R R.—*H. K. Weston, Notary Public.*

Return of county and State taxes for Kline Township, for the year 1874, *by Condy Murrin, bail of John Dolan, collector.*

Allen, Thomas, left	$1 50
Boyle, Hugh, left	7

Boyle, James, left		75
Brennan, John, left		75
Brennan, James, left	1	50
Brown, John, left	1	50
Brennan, James, left	1	50
Bradley, John, left		75
Britt, William, left		75
Brandseller, Emille, left		75
Boyle, Patk., left		75
Boyle, Patk., left		75
Baum, John, left	1	50
Brady, John, left	1	50
Brennan, Michael, left	1	50
Boyle, Michael, left		75
Baum, Peter C., left		75
Blair, Jeremiah, left		75
Boundy, Richard, left		75
Boyle, Michael, left		75
Cunningham, Edwd., left		75
Cull, Charles, left		75
Carroll, Patk., left		75
Crey, John, left		75
Campbell, Michael, left		75
Dougherty, James, left	1	50
Davis, James H., left		75
Davis, William, left	1	50
Duffy, Patrick, left		75
Evans, Lewis, left		75
Friel, Danl., left		75
Fox, James, left		75
Ferry, John, left,		75
Fox, James, left		75
Ferry, William, left		75
Finn, Thomas, left		75
Ferry, left		75
Garrigan, Michl., left		75
Garvey, Patk., left	1	50
Gallagher, Chas., left		75
Gallagher, John, left		75
Gallagher, Manus, left	1	50
Gosh, Conn, left		75
Gallagher, Anthony, left	1	50
Gallagher, James, left	1	50
Gallagher, Patk., left	1	50
Hurton, Chas., left		75
Hernan, William, left		75
Heenan, John, left		75
Hummel, Henry, left		75
Hoistler, Fredk., left		75
Hopkins, William, left		75
Harkin, John, left		75
Hurn, William, left		75
Hoistler, Charles, left		75
Junkins, Jacob, left		75
Jenkins, Isaac, left	1	50
Jones, Philip, left	1	50

James, William, left	1 50
Johnson, Thomas, left	75
Jones, Isaiah, left	1 50
Kelly, Mark, left	75
Kingler, Samuel, left	75
Kenned, Patrick, left	75
Lias, Charles, left	75
Manie, Daniel, left	75
McConnell, Michael, left	1 50
Meehan, Michael, left	75
McHugh, Condy, left	75
Manly, Patk., left	75
Mandy, Danl., left	1 50
Murphy, Thomas, dead	1 50
Morgan, Thomas, left	1 50
Moses, John, left	75
McCormick, left	1 50
McFadden, James, not of age	75
McBride, James, left	1 50
McDonald, James, left	1 50
McGeoy, John, left	1 50
McMonigle, Wm., left	75
Mendon, Mastin, left	75
Moses, John, left	75
Mulligan, James, left	75
McShea, Mike, left	1 50
Mather, William, left	75
McFadden, John, left	75
Maloy, John, left	75
McCall, Matthew, left	75
Maloy, Edward, left	75
McMasterson, John, left	1 50
Miller, John, left	75
Noonan, William, left	75
O'Donnell, Barney, left	1 50
Philips, David	75
Roberts, William, left	1 50
Roger, Charles, left	75
Scanlin, Daniel, left	55
Stultz, Charles, left	75
Sullivan, John, left	75
Sharky, Patrick, left	75
Shelly, Edward, left	1 50
Smith, John, left	75
Thomas, Morgan, left	1 50
Ward, Condy, left	75
Williams, Ebenezer, left	75
Williams, Thomas J., left	1 50
Weller, John, left	75
Weller, John, left	75
Williams, Lewis left	75
Williams, Tedes, left	1 50
	108 00

Returned January 30, 1875, by Condy Murrin, bail of John Dolan,

collector, upon affidavit made by Denis Byrne, collector of road-tax of Kline Township for the year 1874.

CONDY MURRIN.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners of Schuylkill County aforesaid, do hereby certify that the foregoing is a correct copy of the return of county and State taxes for Kline Township, in said county, for the year 1874, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand, and affixed the seal of said office this 12th day of February, A. D. 1877.

Attest:

[SEAL.] E. A. SCHARTEL, *Clerk.*

EXHIBIT S S.—*H. K. Weston, Notary Public.*

Return of County and State taxes of Kline Township, for the year 1875.

Allen, Thomas, left
Archibald, Jacob, left
Bonard, Patk., left
Brown, John, left
Bernard, James, left
Bradly, John F., left
Butz, Christopher, left
Brandseller, Emly, left
Brennan, Patk., left
Boyle, Wm., left
Black, Jeremiah, left
Bradsiller, Chas., left
Bradly, Daniel, left
Burns, Bernard, left
Blosser, Frank, left
Campbell, Cornelius, left
Jones, Fredk., left
Fudge, Samuel, left
Farly, Sandy, left
Farley, Anthony, left
Garrihan, Michael, left
Gallagher, Anthony, left
Gallagher, John, left
Gray, John, left
Goldstrow, Wm., left
Henan, Wm., left
Hess, Jacob, left
Hopkins, Wm., left
Jenkins, Jacob, left
Campbell, Patrick, too poor
Coster, Thomas
Conners, Richard
Donlen, Thomas
Davis, Reese
Andy, Theodore
Freel, Daniel, insane
Francis, Lewis, too poor
Ferry, William, too poor
Gallagher, Patrick
Garvey, William
Gario, Edward
Haggerty, James, cripple
Jones, Thomas
Jordan, Mark, too young
Kalivo, William, too poor
Jenkins, Isaac, left
Kelly, Patk., left
Kerns, Thomas, left
Larkene, Patk., left
Lynch, Wm., left
McKelly, John, left
Murphy, Patk., left
McCoy, Cormick, left
Maloy, John, left
Maloy, Edward, left
Miller, John, left
Nihan, Cornelius, left
O'Donnell, Ferry, left
Porter, Wm., left
Swinesburg, Chas., left
Spades, Benedict, left
Thomas, Dennis, left
Tammany, John, left
Whalen, Thomas, left
Thomas, William, left
Beverage, Thomas, too poor to pay
Boyle, Hugh, too poor to pay
Boylsley Wm.
Boyle, Patk.
Boyle, Patk.
Breman, James
Brown, Patk.
Boyle, Patk.
Benjamin, Edward, too young

Lloyd, Thomas, too poor
McGehan, Edward, too poor
McGinley, Michael, too poor
Moran, John, too poor
McMonagle, Anthony, too poor
Miller, William, too poor
Maloy, Edward, too poor
McHugh, Patrick, too poor
Maurer, William, too poor
Murphy, James, too poor
Nash, Joseph, too poor
O'Heran, Dennis, too poor
Purscill, Edward, too poor
Shark, Patrick, very old
Shark, Peter, not found

I, E. A. Schartel, clerk of the commissioners of Schuylkill County, hereby certify that the above is a true and correct extract from the records.

[SEAL.] E. A. SCHARTEL, *Clerk.*

January 4, 1877.

EXHIBIT T T.—*H. K. Weston, notary public.*

Return of county, State, and building taxes of Kline Township, for the year 1876, by James Mullen, collector.

Allen, Thos., left	1 50	15
Archibald, Jacob, left	1 50	15
Ashton, Thos., not found	75	08
Aker, Chas., not found	75	08
Boyle, Hugh, left	75	08
Boyle, James, old	75	08
Boyle, Pat'k, not of age	75	08
Bradley, Pat'k, sick	1 50	15
Byrne, Dennis, dead	75	08
Bradley, John T., left	75	08
Brendsler, Emit, left	75	08
Boyle, Pat'k, not of age	75	08
Baker, Lewis, left	1 50	15
Burns, Peter, left	1 68	17
Black, Jeremiah, left	75	08
Brenseler, Christ., left	75	08
Blosser, Frank, left	75	08
Boyle, Pat'k, left	75	08
Boyle, Pat'k, left	75	08
Bitler, Jerome, left	75	08
Boyle, John, old	75	08
Blosser, Joseph, left	75	08
Beynan, Wm., left	1 50	15
Benjamin, Thos., double	1 50	15
Crossen, James, left	75	08
Cavenaugh, Patk., left	75	08
Connor, Richard, old	75	08
Clemens, James, left	1 50	15
Cook, Michael, old	90	09
Cook, John, double	75	08
Dawson, Robert, sickly and poor	1 50	15
Dolan, James, cripple and poor	75	08
Dunlevy, Chas., left	75	08
Devers, James, no horse	12	02
Downey, John, left	75	08
Dillon, John, left	75	08
Delmat, James, left	75	08

Edwards, Austin, not of age		75	08
Friel, Daniel, insane		75	08
Ferry, Wm., double		75	08
Fearless, Anthony, left		75	08
Fox, Fredk., not in township when assessed	1	50	15
Fox, John, left		75	08
Fitzgerald, John, double		75	08
Ferry, John, not found		75	08
Fister, Wm., left	1	50	15
Garahan, Michael, left		75	08
Gallagher, John, sickly		75	08
Gallagher, Anthony, left	1	50	15
Garvey, Timothy, left		75	08
Grey, John, not found		75	08
Garra, Edward, not found		75	08
Goldstroh, Wm., not found	1	50	15
Gittins, Ray, not found	1	50	15
Gittins, James, not found		75	08
Gallagher John, not found	1	50	15
Gallagher, John, left		75	08
Gibbins, Patk., reduced		75	08
Hennan, Wm., left		75	08
Hennessey, Michael, dead	1	70	17
Hum, Wm., not found		75	08
Henderstine, Thos., left		75	08
Hiney, Fredk., left		75	08
Holsman, Jacob, left	1	50	15
Jenkins, Jacob, left		75	08
Jenkins, Isaac, left	1	50	15
Jones, Evan, old	1	50	15
Jones, Stephen, not found	1	50	15
Jordan, M., not found		75	08
Konargh, Patk., left		75	08
Kelly, Mark, left		75	08
Kelly, Bernard, left		75	08
Kelly, John, old	1	50	15
Kinkart, Peter, left		75	08
Kenary, Patk., left		75	08
Kerkeslager, M., left	1	50	15
Lloyd, Thos., left	1	50	I5
Loris, Charles, not found		75	08
McLaughlin, Frank, old		75	08
McElvey, John, left		75	08
McMullen, Alex., sickly		75	08
McGinley, Michl., old		75	08
Miller, Christopher, old	1	50	15
Marshall, Robt., left		75	08
Marshall, Wm., left		75	08
McNelis, Patk., reduced		75	08
McDonald, James 2d, dead	1	50	15
McGeevey, John, left	1	50	15
Mulloy, Edward, left	1	50	15
Muloy, John, left		75	08
Miller, John, left		75	08
Moran, James, left		75	08
Moran, Michael, left		75	08

McNulty, Pat., left	75	08
McShea, Michl., reduced	75	08
McDead, Wm., removed	75	08
McGarrity, Michl., removed	1 50	15
McCauley, Pat., removed	1 50	15
McHugh, Connell, deceased	90	09
McGeehan, Edw., old	75	08
McCafferty, John, reduced	15	01
Neigh, Cornelius, left	1 50	15
Neigh, John, left	75	08
Nash, Joseph, left	1 50	15
O'Donnell, Benjamin, left	1 50	15
Ost, Charles, left	75	08
O'Donnell, Pat., left	75	08
O'Donnell, Farrigal, left	75	08
O'Donnell, Toole, left	75	08
O'Donnell, James, left	75	08
Phillips, Leonard,	1 50	15
Robinson, John, reduced	75	08
Richards, Benja., left	1 50	15
Rinker, Paul left	75	08
Reilly, George, left	75	08
Reese, Thomas, left	75	08
Rasbridge, Thomas, left	75	08
Rooney, James, left	75	08
Roberts, Wm. T., not in township	1 50	15
Sharkey, Patk., left	88	09
Sharp, Peter, left	75	08
Sullivan, John, left	75	08
Sullivan, Thomas, left	75	08
Shoemaker, Jacob, left	75	08
Swinesberger, Chas., left	75	08
Spades, Benedict, left	75	08
Shoemaker, Geo., left	75	08
Schultz, John, not found	1 50	15
Thomas, Danie, not found	75	08
Turnbach, Richd., not age	75	08
Tresle, Raft, not found	1 50	15
Washington, John, left	1 73	18
Whalen, Thomas, left	75	08
Williams, Thos., not found	1 50	15
Williams, Alex., left	75	08
Welsb, Richard, left	75	08
McCauley, William, not found	75	08
McBriety, James	90	09
	132 71	13.73

SCHUYLKILL COUNTY, *ss:*

On the 30th day of January, A. D. 1877, personally appeared before me, one of the commissioners in and for said county, James Mullen, collector of Kline Township for the year 1876, who, upon being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

JAMES MULLEN, *Collector.*

Sworn and subscribed before me.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners of Schuylkill County aforesaid, do hereby certify that the foregoing is a correct copy of the return of county, State, and building taxes for Kline Township, in said county, for the year 1876, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office, this 12th day of February, A. D. 1877.

[SEAL.] Attest: E. A. SCHARTEL, *Clerk.*

EXHIBIT U U.—*H. K. Weston, Notary Public.*

Return of county and State taxes of Mahanoy Township for the year 1874, *by John Cochlin, county collector.*

Algoe, Robert, reduced	$0	75
Artman, Elias, left		75
Berkheiser, H. D	1	00
Bowers, Conrad, left		75
Boslow, George, left	1	50
Bersh, Henry, left		75
Bright, Wm. H., double		50
Brown, John, left	1	50
Bartlett, Frank, left		75
Barry, John, reduced		75
Boner, Wm., reduced		75
Buck, John, double		75
Bechtel, Theo. H., left		75
Bennett, Richard, reduced		75
Boner, Thos., left		75
Bean, Jos., left	1	50
Bowsman, Wm. C., left	1	50
Brannan, Patk., double		75
Beale, George, double		75
Berdanier, Saml., left	1	50
Burns, Thos., left		75
Broughall, Edward, left		75
Banks, Wm., left		75
Burk, Martin, left		75
Beatty, James, left	1	50
Butler, Patk., reduced		75
Beitler, James, double	1	50
Bill, Anthony, left		75
Bambrick, Jno., double	1	50
Britt, Wm., reduced		75
Barritt, Dominic, left		75
Burk, James, dead		75
Brenusky, Geo., left		75
Bright, Wm., left	1	50
Bradley, Thos., left		75
Brislin, Michl., double	1	50
Buck, Aleck, double		75
Brochert, Wm., double	5	25
Beiler, George, double	3	00
Bowsman, Wm., dead	1	50

Blair, James, left	1 50
Barrett, Thos., left	75
Byrns, Frank, double	1 50
Brown, James, left	75
Bretherton, Jonathan, left	75
Brichell, John, left	75
Beddow, Wm., left	1 50
Banks, Patk., left	75
Brannon, Lawrence, double	75
Barrett, Wm., left	1 50
Burrick, Anthony, left	75
Bell, Joseph, left	75
Clark, Patk., left	75
Carlin, John, left	75
Connor, John, double	75
Conohan, Jeremiah, left	75
Conner, James, left	75
Collins, James, reduced	75
Campbell, Michl., poor	75
Coogan, Michl., reduced	75
Cooper, Wm., left	1 50
Canbly, Jno., left	75
Corrigan, Matt., poor	75
Carshner, Thos., cripple	50
Crossin, Patk., poor	75
Casey, Patk., poor	75
Campbell, Wm., left	1 50
Carle, Isaac, left	75
Casey, Patk., double	1 50
Clark, Anthony, left	75
Canfield, Michael, left	75
Canfield, John, double	1 50
Connelly, Danl., double	1 50
Carr, Jno., double	1 50
Carduff, Michl., left	75
Coakley, John, poor	75
Creger, Wm., left	75
Caunnon, John, cripple	50
Callen, Matthew, left	1 50
Caiton, Martin, left	75
Cane, John, poor	1 50
Cain, Joseph, left	75
Cain, Thos., double	75
Coombs, Wm. J., double	1 50
Cox, Michael, left	1 50
Cannon, John, left	75
Campbell, James, left	1 50
Cox, Patk., poor	1 50
Crossin, Patk., double	75
Crawford, David, double	2 25
Conway, Wm., double	1 50
Crooks, George, double	75
Close, John, double	75
Cooney, John, double	75
Carduff, Joseph, left	75
Connell, John, dead	1 50

Carr, James, double	1 50
Cowe, Patk., left	75
Daley, Dennis, left	75
Doyle, James, reduced	75
Daubert, Wm., double	4 25
Dixon, John, double	1 50
Donavan, James, reduced	75
Doyle, Andy, left	1 50
Doyle, Terry, reduced	75
Dean, Anthony, dead	75
Dean, Patk., double	1 25
Davidson, Wm., left	1 50
Donahoe, James, poor	75
Dalton, John, left	75
Dunston, James, dead	75
Doner, James, sick	75
Deischer, Wm., reduced	7 50
Davidson, Robt., double	1 50
Decker, Mathias, dead	1 50
Dean, Anthony, double	1 25
Dindinger, Henry, left	75
Dunn, John, poor	75
Davis, John, double	1 50
Doran, James	1 50
Dungan, Patrick, left	1 50
Doyle, John, poor	75
Dewire, Christ., double	1 50
Dewleny, James, double	75
Dooke, William, reduced	75
Dormer, Michael, poor.	75
Doyle, James, double	1 50
Davis, John, double,	1 50
Davis, Edward, left	1 50
Dill, Frederick, reduced	75
Davis, David, left	1 50
Deob, Levi, left	75
Donahoe, Peter, reduced	75
Dixon, Martin, left	1 50
Dorsey, William, left	75
Dasher, Frederick, left	1 50
Dalskey, Joseph, double	75
Draper, Samuel, double	75
Davis, David, double	1 50
Dulsky, Joseph, double	75
Davis, Thomas, double	1 50
Davis, William F., double	1 50
Davis, Joseph, double	1 50
Day, John, double	75
Daily, John, double	75
Eisenhuth, Jacob, dead	75
Evans, William, reduced	75
English, William, reduced	75
Earley, John, poor	75
Ellis, Mat., left	75
Engle, Abraham, left	75
Evans, Hugh, dead	1 50

Evans, Jno. L., reduced	75
Engleman, Peter, double	1 50
Evans, William, doubtful	1 50
Ellon, William, left	75
Flanagan, James, reduced	75
Frack, Daniel, reduced	12 50
Foeller, Joseph, left	75
Frack, Daniel B., left	1 50
Fitzpatrick, Stephen, left	75
Fossold, William	75
Frost, William, reduced	75
Fahey, James, reduced	75
Free, Michael, poor	1 50
Flannery, Daniel, left	75
Fallahy, Michael, reduced	75
Freed, John, left	75
Freed, John, left	75
Flowers, Samuel, double	4 50
Friel, Patrick, left	75
Friel, Philip, left	75
Friel, Edward, left	75
Frettle, Gottleib, double	4 00
Galvin, Patrick, poor	75
Grim, Owen, poor	75
Glennon, James, poor	75
Gill, Mat., poor	75
Grundy, Adam, left	1 50
Gibbon, Patk., left	75
Garvey, Philip, reduced	50
Gilligan, James, left	75
Golden, Richd., reduced	75
Ganghan, Wm., left	1 50
Gustin, Jos., left	75
Gaughan, James, left	1 50
Glenn, David, double	75
Girarty, Thos., left	1 50
Glinnon, Andy, left	75
Glennon, John, left	75
Glennon, Patk., left	75
Gregory, Simon, left	75
Gullifer, Mathew, left	1 50
Green, John, reduced	75
Goodhead, Jonathan, poor	1 50
Gidley, Jonathan, left	1 50
Gouch, Daniel, left	1 50
Garlow, Henry, left	1 50
Garwich, D., left	75
Grush, Anthony, double	2 75
Gahring, Fanny, double	4 00
Groomer, Owen, double	75
Gibson, Wm., double	1 50
Griffiths, John, reduced	75
Hollihan, Andy, poor	75
Hilbrandt, John, left	75
Hess, Wm., left	75
Holden, John, dead	75

Hassell, Christ., poor	75
Haupt, John, double	5 00
Highland, Thos., left	75
Haupt, David, reduced	7 50
Holland, John, left	1 50
Hoary, Thos., poor	75
Hambergh, Jos., dead	75
Hennessy, Thos., poor	75
Hopkins, David, left	75
Hadesty, John, reduced	1 00
Hiller, Martin, left	1 50
Hossell, Christ., double	75
Harris, John, double	75
Harricks, Harvey, left	1 50
Hannon, James, reduced	75
Hawkins, Chas., left	75
Harnen, Patk, poor	75
Hopkins, Jenkin, left	75
Hughes, Thomas, left	75
Healey, Edward, poor	75
Hessenburgh, Peter, left	75
Hoy, William, left	75
Heckler, Jacob, left	75
Harper, James, dead	75
Hanlon, Michl, left	1 50
Holfick, Jacob, left	75
Herety, John, left	75
Hay, Charles, left	75
Hoar, John, dead	75
Haupt & Bro., reduced	12 50
Hays, Lamar, left	75
Highland, Jos., double	1 50
Hadesty, Wm., double	1 50
Hopkins, John, double	1 50
Houser, Jeremiah, left	75
Hubert, Albert, left	75
Hines, Peter, left	75
Harris, John, left	1 50
Humphew, Edward, left	75
Horn, Daniel, left	25
Houser, John, left	75
Houstin, Edward, double	75
Heim, Daniel P., double	1 50
Hawley, James, double	1 50
Hazeltine, John, double	1 50
Hodgert, Wm., double	1 50
Igo, Patrick, reduced	50
Igo, Daniel, poor	75
Igo, James, poor	75
Igo, Michael, poor	75
Judge, Edward, left	75
Jones, Roland, left	1 50
Jones, Reese P., left	1 50
Jones, Thos., left	1 50
Jones, Jos., almshouse	1 50
Jones, Thos., double	1 50

Jones, John, left	75	
Jenkin, Michael, double	1 50	
Jenkins, Michael, reduced	75	
Jones, Thomas, double	75	
Killbach, Isaac, left	1 50	
Karr, Robt., left	75	
Koch, Joseph, left	75	
Kantner, Joseph, cripple	50	
Kilcur, Dennis, left	75	
Koch, Jno., not of age	75	
Keim, Peter, left	75	
Kemps, Thos., left	75	
Kelly, John, double	1 50	09
Krisis, Jno., left	75	
Keir, John, left	1 50	
Kinnelly, Joseph, left	75	
Keifer, Frank, double	1 50	
Klair, Wm., left	1 50	
Kilfelder, Peter, left	1 50	
Lawler, Danl., reduced	75	
Loeser, Thos., left	75	
Levell, Wm., dead	1 50	
Lawler, James, reduced	75	
Loeser, Eli, left	75	
Lambert, George, reduced	75	
Lambert, Daniel, left	75	
Lynch, Jno., dead	1 50	
Lauek, Jno.	4 00	
Lloyd, Thos., dead	1 50	
Lewis, Thomas, double	1 50	
Lawrence, Solomon, left	75	
Lord, Edward, reduced	75	
Lewis, Edward, left	$1 50	
Leyler, Jacob, exonerated	1 80	48
Lawler, Philip, left	1 50	
Lauck, Wm., double	4 00	
McGuire, Michael, poor	75	
Madara, Zacharia, double	75	
MaGuire, John, left	1 50	
Murphy, James, left	1 50	
Miner, Andrew, left	75	
Madara, James, double	75	
McFadden, John, left	75	
McGee, Jno., poor	75	
McCormick, James, exonerated	1 50	
Myers, Hiram F., left	75	
Morgan, Benj., reduced	75	
Martin, John, reduced	75	
Maher, Thomas, poor	75	
Moran, John, left	1 50	
Morgan, Thos., left	2 50	
McKenny, Chas., poor	75	
McCook, James, left	1 50	
Morris, Saml., left	1 50	
Murphy, John, double	75	
Major, John, reduced	75	

Martin, Joseph, left 1 50
McGeever, Thos., reduced 75
McDonald, Thos., reduced 75
Morrison, Andy, reduced 75
Miller, Samuel F., left 1 50
McClean, Michl., left 1 50
McGuire, Patk., left 75
McLaughlin, John, crazy 75
Murphy, Anthony, left 75
Marshall, James, reduced 75
Monaghan, John, left 75
Marksworthy, Wm., dead 75
Marsh, Anthony, left 75
Murphy, Patk., left 75
Miller, Danl., left 75
McKenrick, Chas., left 1 50
Miller, George, left 75
McAndrew, Martin, poor 75
Miller, Daniel, double 75
Markle, Hiram, left 1 50
Mowry, John, reduced 75
Murdock, Samuel, left 75
Markle, Abm., left 1 50
Markle, Anthony, left 75
Markle, Abm., jr., left 1 50
Murray, Peter, left 75
Miller, John, left 1 50
Manuel, Keron, poor 1 50
Monahan, Michl., dead 75
Maloney, Hugh, dead 75
Marvin, Frank, left 1 50
Manley, James, left 75
Murphy, James, double 1 50
Metz, Edwd., left 75
McAtee, Mat., reduced 75
McCormick, Wm., reduced 75
Martin, Thomas, reduced 75
Madden, Michl., double 75
Merrick, Robt., left 1 50
Myrop, George, left 75
McGeever, Anthony, double 75
Nice, John B., reduced 8 00
Naughton, Patk., poor 75
Noonan, Thos., reduced 75
Nash, James, reduced 75
Nolan, James J., double 75
Nicholas, Martin, left 75
Owls, Wm., reduced 75
Owens, Henry, exonerated 3 00
Pierson, Jno., left 1 50
Price, Jno. M., reduced 1 50
Powers, Patk., double 2 25
Pipe, Wm., left 1 50
Price, Robt., left 75
Palamountain, Bennville, left 75
Piplancy, Martin, left 75

Patrick, David, left	1 50
Pasco, Wm., left	1 50
Paul, John, left	1 50
Parrott, John, double	1 50
Robinson, Alex., left	1 50
Rhoads, Jackson, left	2 25
Ryan, Morris, left	1 50
Ryan, Patrick, left	75
Reigel, Dr. E., double	3 00
Riber, George, left	75
Richardson, Wm., left	1 50
Rick, Frank B., reduced	75
Reilly, Michael, poor	75
Reilly, Thomas, left	75
Reilly, Patk., reduced	75
Rock, Hugh, left	1 50
Reiter, Joseph, double	75
Roberts, Henry, reduced	75
Ross, Alex., reduced	75
Ryan, John, reduced	75
Robinson, Michl., poor	75
Roberts, Henry, double	1 50
	50
Richards, John, double	1 50
Rhoads, Edw., left	1 50
Rubricht, Abm., left	75
Roach, Patk., left	1 50
Reigel, John, double	1 50
Riddle, Henry, double	1 50
Rule, James, left	1 50
Rogettes, John, left	75
Reese, Wm., left	1 50
Reese, Jos., double	1 50
Reilly, Thos., double	75
Stamford, Patk., left	75
Strides, John, dead	75
Schultz, Frank, dead	75
Sommers, George, double	1 50
Seligman, Jos., left	75
Stamford, Thomas, double	75
Smith, Wm., left	1 50
Schine, George, left	75
Slattery, Danl., left	75
Shaner, David, left	75
Stenrock, Frank, poor	1 50
Schultz, Henry, left	75
Shinners, James, poor	1 50
Schultz, Wm., left	75
Shaeffer, Fredk., left	75
Shoen, Jacob, left	75
Smith, Francis, double	1 50
Streiper, Saml., left	75
Sweeney, John, left	75
Smith, Answell, left	75
Sullivan, Thomas, left	1 50
Sweaso, Thos, left	1 50

Strides, John, double	25
Stroeman, Henry, left	1 50
Suigel, Joseph, left	75
Streefel, Henry, double	75
Tarlton, Robt., left	75
Tansey, Bryan, double	75
Toohey, Patk., left	75
Thomas, Benj., left	1 50
Tickens, Wm., double	1 50
Thomas, Martin, left	1 50
Treible, George, left	1 25
Wren & Lee, reduced	11 00
Williams, Edw., left	1 50
Whitaker, Wm., poor	75
Wiles, John, dead	1 50
Wachter, Jacob, dead	75
Wilcox, John, left	75
Worfield, Jas. B., left	1 50
Watkins, Wm. J., left	1 50
Walsh, James, left	75
Walsh, Thomas, reduced	75
Wilson, John, left	1 50
Williams, Daniel, left	1 50
Whalen, Michl., left	75
Whitaker, Thos., double	75
Wilson, Albert, double	75
Weicks, Richard, left	1 50
Warrance, John, poor	1 50
Wallace, Wm., double	75
Wilson, Joe, left	1 50
Welsh, John, double	75
Wagner, Henry, exonerated	2 50
Yoder, Samuel, double	3 74
Ubrecht, Jacob, double	3 00

SCHUYLKILL COUNTY, *ss:*

On the 26th day of January, A. D. 1875, personally appeared before me, clerk of the commissioners in and for said county, John Cochlin, collector of Mahanoy Township for the year 1874, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

JOHN COCHLIN.

Sworn and subscribed before me.

O. J. AREGOOD, *Clerk.*

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners of Schuylkill County aforesaid, do hereby certify that the foregoing is a correct copy of the return of county and State taxes of Mahanoy Township for the year 1874, as the same remains of record in the office of the said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office this twelfth day of February, A. D. 1877.

[SEAL.] Attest: E. A. SCHARTEL, *Clerk.*

EXHIBIT V V.—*H. R. Weston, Notary Public.*

Return of State and county taxes for West Mahanoy Township, for the year 1875, *by John Dean, collector.*

Wells, John, dead	$2 25
Watkins, W. J., left	1 50
Fight, Andrew, left	75
Fight, James, left	75
Wagner, Wm., double	1 50
Williams, Daniel, left	1 50
Wilson, Albert, left	75
Weiser, John, left	1 50
Welsh, John, double	75
Whene, Robert, left	1 50
Warhammer, Martin, left	75
Williams, Thomas, dead, double	75
Whalen, James, left	75
Wagner, William, double	75
Walker, John, left	1 50
Yeager, Wilmington, left	75
Zilinski, John, left	75
Trode, Jacob, left	75
Thompson, John, left	75
Totten, Robert, left	1 50
Tray, Michael, left	75
Thomas, Benj., left	1 50
Trottle, Anthony, left	75
Thomas, David, left	75
Tool, John, left	75
Thomas, Martin, left	1 50
Thomas, Samuel, left	1 50
Thomas, Daniel, double	1 50
Tool, Pat, left	75
Tracey, Peter, left	1 50
Tracey, Dennis, too poor	1 50
Williams, Thomas, too poor	1 50
Wachter, Jacob, double	75
Whiteman, John, left	75
Spain, Joseph, left	75
Stride, John, dead	25
Shertley, George, left	1 50
Sanger, Thomas, dead	1 50
Shannon, Henry, left	1 50
Sommers, Edward, not found	75
Sweeney, James, double	1 50
Sykes, Samuel, dead	75
Smith, Benny, left	75
Sheets, Peter, left	1 50
Snyder, Peter, left	1 50
Simons, John, left	1 50
Stanton, Pat, poor	75
Sauers, Benny, left	1 50
Smith, Barney, left	75
Smith, Thomas, double	1 50
Smith, Wm., poor	75

Sweeny, James, double	1 50
Short, Joseph, not found	75
Stafford, Thomas, not found	75
Smith, Wm., double	1 50
Slemmer, Christian, left	75
Sweeney, Pat, left	1 50
Shaw, David, left	75
Sharpe, Peter, left	75
Slusby, Nicholas, left	75
Shurtz, Henry, left	75
Shaners, James, left	1 50
Smith, William, left	75
Shafer, Fred, left	75
Smith, Francis, left	1 50
Shertan, James, too poor	75
Stetzler, Peter, left	1 50
Sullivan, Thomas, not found	1 50
Sweep, Thomas, not found	1 50
Rise, George, not found	75
Roberts, Henry, double	75
Rodes, David, not found	75
Richardson, John, double	1 50
Raver, John, not found	1 50
Reilly, Thomas, left	75
Richardson, Joseph, left	1 50
Rusk, John, too young	75
Roberts, Samuel, left	75
Stafford, Pat	75
Stride, John, double	75
Shoeman, Henry	75
Sykes, Thomas, double	1 50
Shoeman, Henry, left	75
Single, Charles, left	75
Sommers, George, left	75
Roland, James, left	75
Roe, John, left	1 50
Roberts, Henry, double	75
Roberts, Samuel, double	1 50
Ryan, Pat, left	1 50
Risk, James, double	1 50
Reilly, Charles, left	75
Rick, Daniel, left	75
Ruddy, James, left	75
Richardson, Will, left	1 50
Ruane, John, left	1 50
Redler, Henry, left	1 50
Ritter, James, left	75
Rock, Hugh, left	1 50
Rosher, Thomas, left	1 50
Riter, Joseph, left	75
Reber, William, left	75
Reckenbergs, John, left	75
Pipe, William, left	1 50
Price, Robert, left	75
Palemontain, Buch, left	75
Papelemsy, Francis, left	1 50

Price, Henry, left	75
Paspescir, Willard, left	1 50
Parrott, John, double	1 50
Prynon, Robert, left	75
Power, John, left	75
Potts, Edward, in Europe	1 50
Peine, John, left	75
Quinn, Pat., left	75
Reilly, Pat., dead	1 50
Moon, Michael, double	1 50
Owels, William, left	1 50
O'Byle, Michael, double	1 25
Owens, Henry, left	2 25
O'Donnell, Neill	75
Owens, Albert, too young	75
Philadelphia Coal Company, ex. by com	22 50
Persien, John, left	1 50
Parton, Henry	1 50
McDernun, Thomas, not found	1 50
McLaughlin, Anthony, not found	75
McGrat, Darby, not found	75
Myers, Sanders, not found	75
McNally, John, poor	75
Newhouser, Anthony, double	75
Nolen, James, double	75
McNelison, Richard	75
Nash, James, dead	1 50
Nash, John, poor	1 50
Mary, Edward	75
Nolen, James, double	75
Nash, Martin, not found	75
Nash, Luke, not found	75
Malony, Edward, left	75
McCorrick, Pat., left	1 50
McGuire, Thomas, left	1 50
McNelis, Peter, left	1 50
Murphy, Thomas, left	75
McDonald, John, left	75
Mayer, John W., left	75
McGuire, Anthony, poor	75
McDonough, Martin, left	75
McCardy, Jacob, dead	75
McGuire, James, poor	1 50
McManahan, Pat	75
McGee, Thomas, Luz. Co	75
Mulligan, Hugh, double	75
Mourer, Owen, left	75
Marcle, Joel, left	1 50
McAvoy, Bryan, left	75
Duffy, Anthony, double	75
Marcle, Abraham, left	1 50
Moyer, William E., left	1 56
Murray, Peter, dead	1 50
Monahan, Michael, left	1 25
Miller, John, left	1 50
Melony, Hugh, left	75

Miller, Samuel, double	1 50
Marvin, Frank	1 50
Murphy, James, double	1 50
Mailey, James, double	75
Martin, Thomas, double	1 50
Meret, James, not found	75
Murry, John, not found	75
Miller, Samuel	75
McEvans, Anthony, dead	75
Maloney, Pat., dead	75
Mowery, William, left	1 50
Murphy, Anthony, left	75
Metz, Jacob, double	1 50
Meny, Benny	1 50
McGunniger, Pat., double	75
McNeelis, Barney	1 50
Mulligan, Hugh, cripple	75
Mull, Michael, not found	75
Manly, Anthony, double	75
Mowrey, Owen, double	75
March, Anthony	75
McHerick, Charles	1 50
McGuire, Martin, not found	1 25
Marshall, Mathew, not found	1 50
McAndrews, Martin, not found	1 50
Marcle, Abraham, double	1 50
Marcle, Hiram, not found	1 50
Miller, Daniel	1 50
Mayer, Thomas, poor	1 50
May, George, left	1 50
McGrath, John, ex. by com	75
McCormick, Pat., dead	75
Motz, John, poor	75
McDonough, James	75
Melony, Pat., dead	1 00
Moran, John, left	1 50
McCook, James, Butler Township	1 50
Morgan, Thomas, error	2 50
McGraw, Michael, not found	75
Morris, Samuel, left	1 50
McEver, Andy	75
Murphy, John, double	75
Martin, Joseph, died	1 50
Mahorg, Pat	75
McGuire, Pat	75
McCleinert, Michael	1 50
Long, Thomas, not found	75
Lloyd, David, dead	1 50
Luscan, Thomas	75
Laynard, Girnard	75
Lloyd, Thomas	1 50
Lloyd, Stephen, double	1 50
Lloyd, Edward, not found	1 50
Lewis, Edward, not found	1 50
Lawler, Philip, not found	1 50
Lewis, William, left	1 50

Lillel, Robert, dead	1 50	
Lack, William, double	1 50	
Lavelle, William, dead	1 50	
Lamber, John, left	1 50	
Leonard, John, poor	75	
Lambert, George, dead	75	
Limki, John, not found	75	
Lewis, William, double	1 50	
Lenkirt, Charles	75	
Leonard, Lewis, dead	1 50	
Lenahan, Pat., in Butler	1 50	
Larken, Pat., left	1 50	
Linert, Pat., left	75	
Kennedy, Thomas, poor	1 50	
Kelker, Pat., double	1 50	
Kline, Jacob, dead	75	
Kelker, Miles	1 50	
Keely, James, left	1 50	
Koch, Joseph, too young	0 75	
Koch, George, insane	1 50	
Kilker, Dennis, in Butler	1 50	
Kinney, Michael, double	1 25	
Kerrigan, John, left	75	
Kinney, Peter, dead	75	
Kane, John, left	1 50	
Kelly, John, left	41	9
Kurtick, Henry, left	75	
Keefaber, Peter, too young	1 50	
Keffer, Francis, double	1 50	
Kelly, Michael	75	
Killer, Thomas, not found	1 50	
Kane, Thomas, in Centralia	75	
Koch, Charles, in Centralia	1 50	
Jones, Robert, in Centralia	75	
Judge, Edward, left	75	
Jordan, Thomas, cripple	1 50	
Joyce, Henry, left	75	
Jones, William, too young	1 50	
Jones, Thomo, left	1 50	
Jenkins, Richard, left	75	
Joyce, Peter, left	75	
Harris, John, left	75	
Howard, Alex., not found	75	
Herrighty, Michael, in Butler	1 50	
Harty, James, in Butler	1 50	
Hines, Peter, in Butler	75	
Harlton, Edward, poor, in Butler	75	
Hauten, Arthur	1 50	
How, Wilmington, not found	75	
Harris, John, double	75	
Hoffman, Peter	75	
Hum, Daniel P., not found	1 50	
Hopkins, John, double	75	
Hanaly, Willowloy, not in twp	75	
Hoffman, Peter, double	75	
Hildebrand, William, double	75	

Hesser, John, W., double	1 50
Hannah, Robert, double	1 50
Hanly, John, not found	75
Haren, Joseph, not found	1 50
Harris, William, not found	1 50
Hadrick, Felix, not found	75
Hagerty, Cornelius, not found	75.
Heflan, Thomas, not found	75
Hoben, Martin, poor	75
Houston, Cornell, left	75
Heissenberg, Peter, left	75
Heckes, Jacob, left	75
Houston, Arthur, double	75
Hummel, John, left	1 50
Herrichty, John, left	75
Hud, Ernst, Shenandoah	1 50
Hopkins, John, double	1 50
Gilbert, Peter, poor	1 50
Gordon, Wm., left	75
Goxen, James, double	75
Geiss, Jacob, double	75
Gillroy, Martin	75
Gilligan, James, double	1 50
Goughen, John, in Butler	1 50
Goughen, Wm., in Gilberton	1 50
Goughen, James	75
Glenn, David, double	75
Gerrachty, Pat., dead	75
Gerrachty, Thomas, in Centralia	1 50
Grush, Anthony, double	3 75
Garvey, John, double	75
Grugens, John, dead	75
Grooms, Owen, not found	75
Garlen, Henry, in Butler	1 50
Gray, Barney, not found	75
Fennell, Wm., not found	75
Flanigan, Pat., in penitentiary	75
Flanery, Pat	75
Finnigan, Anthony, left	75
Fitzsimmons, James, left	1 50
Frell, John, left	75
Freel, Francis, left	75
Freel, Pat., left	75
Freel, Edward, left	75
Freel, Philip, left	75
Foster, Thomas, left	1 50
Fisher, Thomas, left	75
Freel, Michael, left	75
Flanigan, Thomas, left	1 50
Efferson, Thomas, not found	1 50
Eberly, Franklin, in Shamokin	1 50
Eberly, Levi	75
Eberly, Moses	75
Eylan, John, not found	1 50
Engle, Abraham, in Shenandoah	75
Eyerle, John, in Shenandoah	75

Early, Valentine, in Shenandoah	75
Delany, Thomas	75
Dean, Pat., double	75
Dean, Anthony	1 25
Dixon, James	75
Dindinger, Henry	75
Daily, Dennis	75
Devit, Daniel	1 50
Doyle, Andrew, poor	75
Donnelly, Dennis, poor	75
Dormer, Michael, poor	75
Daily, Patrick, double	1 50
Dougherty, John, dead	1 50
Campbell, John	1 50
Curly, John, double	1 85
Costilu, James, in Butler	1 50
Cuff, James, in Shenandoah	75
Casey, Pat., left	75
Coyle, Philip, dead	75
Canfield, John, left	75
Canten, Pat	75
Cunning, John E. M	1 50
Corduf, Dennis, dead	75
Cox, Patrick, dead	1 50
Connell, Thomas	75
Cuff, Pat., in Shenandoah	75
Connelly, Pat, Shenandoah	75
Clark, Owen, in Union	75
Corfield, Michael, error	75
Coach, Samuel, Gilberton	1 50
Curby, Dennis	75
Canfield, Wm., poor	75
Ball, William, left	1 50
Burns, Pat, Girardville	50
Brennan, Pat	75
Burkhart, Henry	1 50
Bolen, Pat, Girardville	75
Brennan, Michael, Girardville	1 50
Curley, Walter	1 50
Burns, Martin	75
Barnesworth, Joseph	1 50
Blackwell, Jeremiah, left	1 50
Barch, Francis	1 50
Boork, Martin	75
Bylan, Michael	75
Beatty, James	1 50
Butler, Michael, dead	75
Butler, James, dead	1 50
Bresslin, Michael, dead	1 50
Beel, Francis	75
Brennan, Michael, double	2 00
Buck, John, double	75
Barlett, B. F., in Pottsville	1 50
Barlett, Peter, left	1 50
Bowman, Valentine, left	75
Burns, John, left	75

Bishop, John, left		75
Burten, John, poor	1	50
Brown, George, not found	1	50
Barch, John, not found		75
Brady, Philip, not found		75
Brendum, Thomas, not found		75
Blackwell, James, Gilberton	1	50
Bambrick, Henry	1	50
Barret, Pat., left		75
Anspach, Wm		75
Antrum, Wm., double		75
Artley, Jos., not found		75

SCHUYLKILL COUNTY, *ss:*

On the 2d day of February, 1876, personally appeared before me, clerk of commissioners in and for said county, John Deane, collector of West Mahanoy Township for 1875, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

JOHN DEANE.

Sworn and subscribed before me.

E. A. SCHARTEL,
Clerk.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners of Schuylkill County aforesaid, do hereby certify that the foregoing is a correct copy of the return of State and county taxes for West Mahanoy Township, in said county, for the year 1875, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and seal of said office this twelfth day of February, A. D. 1877.

[SEAL.] Attest: E. A. SCHARTEL, *Clerk.*

EXHIBIT W W.—*H. K. Weston, Notary Public.*

Return of county, State, and building taxes of West Mahanoy Township for the year 1876, *by John Donnelly, collector.*

Anderson, Wm., dead	$1	50	15
Brady, Philip, left		75	08
Beddinger, George, left	1	50	15
Brady, John, left		75	08
Becker, Mathias, left	1	50	15
Burke, Martin, left		75	08
Beatty, James, left	1	50	15
Butler, James, left	1	50	15
Bill, Anthony, left		75	08
Butler, Michael, left		75	08
Barrett, John, left	1	50	15
Bull, Frank, left		75	08
Barrett, Wm., poor	1	50	15
Berwick, John, not found		75	08
Brennan, John, poor	1	50	15
Bowman, Valentine, left		75	08

Boylan, James, left	75	08
Breen, Michael, left	1 50	15
Boyle, James, left	75	08
Barrett, Michael, dead	75	08
Barrett, Patrick, left	75	08
Brooms, Patk., left	1 50	15
Barrett, Patk., double	75	08
Britton, John, left	1 50	15
Britton, Robert, left	75	08
Barron, John, left	75	08
Brennan, Parkey, left	75	08
Cuff, James, left	75	08
Cookley, Michael, poor	1 50	15
Casey, Patk., left	75	08
Carlin, Patk., left	25	03
Connelly, David, left	1 50	15
Cochlin, John, poor	1 50	15
Conton, Patk., left	75	08
Cogan, Wm., left	75	08
Cogan, John, error; in Frackville	8 25	83
Canfield, Michael, left	75	08
Choppy, Peter, double	1 50	15
Conville, Owen, dead	75	08
Connell, John, left	1 50	15
Cain, Thomas, left	75	08
Cuff, Patk., double	75	08
Coyle, Edward, left	75	08
Cafferty, John, dead	1 13	12
Casey, Thos., left	1 50	15
Cain, Andrew, error	1 50	15
Conry, Patk., left	75	08
Coyle, Charles, left	75	08
Connelly, Patk., poor	75	08
Cooper, Wm., left	1 50	15
Cafferty, Martin, poor	75	08
Cafferty, Patk., insane	75	08
Condy, Thos., left	75	08
Cavenaugh, Thos., error	1 50	15
Cresswell, John, sickly	25	03
Condy, Michael, left	75	08
Davis, William, left	75	08
Deane, Martin, left, and error	1 00	10
Daily, Dennis, left	75	08
Donohoe, Patk., old	25	03
Delaney, Thos., left	75	08
Donaldson, James, poor	1 50	15
Dougherty, Thos., left	75	08
Dixon, Anthony, left	75	08
Donnelly, Dennis, left	75	08
Dixon, Patk., left	75	08
Donnelly, Michael, left	75	08
Dougherty, Charles, left	75	08
Donohoe, Martin, dead	1 00	10
Dougherty, Joseph, left	1 50	15
Dixon, Martin (2d), error	75	08
Drummond, John, left	75	08

Davis, John, left		75	08
Deane, Anthony, left		75	08
Dolan, James, left		75	08
Dresher, Jane, not found	3	00	30
Deane, Bartley, left		75	08
Dougherty, Terrence, old		25	03
Day, Patk., left	1	50	15
Dougherty, Daniel, left	1	50	15
Esgar, Chas., paid in Tamaqua	1	50	15
Eberly, Erra, left; Missouri		75	08
Eberle, Moses, left; Missouri		75	08
Eiche, Peter, old and poor		25	03
Eltraman, Elizab., left		75	08
Frantz, George, left		75	08
Flannigan, Patk., left		75	08
Fisher, Thos., not found		75	08
Flynn, John, left		75	08
Franey, Thos., left		75	08
Goulding, Richard, poor	1	50	15
Gaughan, Wm., left	1	50	15
Gaughan, James, left		75	08
Gerrity, John, left		75	08
Gerrity, Thos., left	1	50	15
Green, Jacob, left		75	08
Gaughan, Thos., reduced by commissioners		75	08
Gribben, John, sick		25	03
Greener, Ralph, in Frackville		75	08
Grow, Daniel, left		75	08
Groody, Michael, sick and poor		25	03
Gordon, Wm., left		75	08
Gannan, James, error	1	50	15
Gilbert, George, not of age	1	50	15
Gilbert, Henry, poor		75	08
Groody, Michael, double		25	03
Gaughan, Thos., left		75	08
Holleran, Dennis, left		75	08
Houston, Arthur, left		75	08
Herrity, John, poor		75	08
Hopkins, John, poor	1	50	15
Halsey, Conrad, sick and poor		25	03
Hanley, John, sick and poor		75	08
Hadrick, Felix, left		75	08
Harris, Chas., paid in Tamaqua	1	50	15
Harris, John, poor		75	08
Harris, James, left	1	50	15
Harlow, Joseph, double	1	50	15
Horan, Thos., left	1	50	15
Harlan, Patk., old and poor		25	03
Herrity, Michael, double	1	50	15
Jones, Robert, left		75	08
Jackson, Thos., left	1	50	15
Johnson, George, not found		75	08
Kelly, James, left		25	03
Kilcur, Dennis, left	1	50	15
Kerschner, Jacob, left		75	08
Kerrigan, John, left		75	08

Kear, John, left	1 50	15
Klaine, Wm., left	1 50	15
Kelly, John, no cow	15	02
Kern, Darby, poor	1 50	15
Kelly, Michael E., poor	75	08
Kaine, Thos., left	75	08
Kelly, John, left	75	08
Kerklin, John, sick	25	03
Kinnery, Edward, poor	1 50	15
Kelly, Patk., left	1 50	15
Kelly, Simon, left	1 50	15
Killmurrey, James, left	75	08
Kern, Wm., left	1 50	15
Kerrigan, Richard, left	75	08
Knight, Emil, left	75	08
Lawrence, Owen, Frackville	75	08
Lambert, George, left	1 50	15
Lewis, Thos., left	1 50	15
Lambert, Dennis, left	75	08
Davis, John, double	1 50	15
Lewis, Edward, left	1 50	15
Linet, Patk., left	75	08
Leonard, Lewis, left	1 50	15
Long, Thos., Frackville	75	08
Long, Joseph, left	75	08
Lloyd, David, left	1 50	15
Lloyd, Thos., left	1 50	15
Lennahan, Patk., double	1 50	15
Lew, Anthony, left	75	08
Lawler, Philip, left	1 50	15
Little, Robert, left	1 50	15
Lavelle, Patk., left	1 50	15
Linet, John, left	1 50	15
Lockwood, Rufus, Frackville	75	08
Mulowney, Patk., dead	25	03
Morgan, John, left	1 50	15
Monoghan, Michael, dead	1 25	13
Murphy, John, left	75	08
Martin, James, left	1 50	15
Mahery, Patk., left	75	08
Miller, Daniel T., poor	1 50	15
McClairmon, Michael, left	75	08
McGuire, Patk., left	75	08
Murphy, Anthony, poor	75	08
Monaghan, John, left	75	08
Maley, James, Frackville	1 50	15
McGangall, Patk., left	75	08
Murgeurth, Wm., left	75	08
Marsh, Anthony, left	75	08
McKendrick, Chas., left	1 50	15
Merkle, Nathan, left	0 75	08
McAndrew, Martin, poor and sick	1 50	15
McGuire, Martin, not in township	1 25	13
Miller, Daniel, error	1 50	15
Merkle, Hiram, left	1 50	15
Merkle, Philip, left	75	08

Maddock, Samuel, left	75	08
Moyer, Wm. E., left	1 50	15
Murry, Peter, left	75	08
Murry, James, not in township	1 00	10
Miller, John, error	1 50	15
Mulowney, Hugh, dead	75	08
Merwin, Frank, left	1 50	15
Morgan, Richard, left	1 50	15
Murphy, Michael, double	1 00	10
Miller, Jacob, poor	75	08
McCormick, Wm., Frackville	1 50	15
Martin, Thomas, left	1 50	15
Mulhearn, Michael, poor	75	08
Murry, John, left	75	08
McKeckney, Alex., blind	25	03
Moran, John, left	1 50	15
McAndrew, John, left	1 50	15
Mack, Michael, poor	1 50	15
Mack, James, left	75	08
Miller, Joseph, left	75	08
McGuire, James, left	1 50	15
Muloy, John, left	1 50	15
Muloy, Patk., left	1 50	15
Maloy, James, left	75	08
Malay, John, left	75	08
McKendrick, Edward, left	75	08
Nash, James, dead	1 50	15
Neary, Patk., left	1 50	15
Neary, Edward, left	75	08
Nolan James, jr., left	75	08
Newhouse, Herman, left	1 50	15
Newhouse, Chas., Frackville	4 25	43
Owens, Henry, poor	1 50	15
O'Donnell, Edward, left	75	08
O'Malley, Michael, double	1 25	13
O'Neal, Hugh, poor	75	08
O'Donnell, Patk., left	75	08
Pearson, John, not found	1 50	15
Purcell, John, poor	1 50	15
Purcell, L., not found	1 50	15
Purcell, Michael, not found	1 50	15
Purcell, Pat'k, left	75	08
Petty, Wm., left	1 50	15
Platte, John, not of age	75	08
Quick, Samuel, Girardville	1 50	15
Riley, Patk., left	1 50	15
Rough, James, cripple and poor	25	03
Ryan, Patk., poor	1 50	15
Rusk, James, left	25	03
Rigg, Daniel, double	75	08
Reddy, James, left	75	08
Richardson, Wm., Frackville	1 50	15
Rowley, Anthony, left	75	08
Reddy, Bryan, but 1 house	50	05
Rowe, John, left	$1 50	15
Rasher, Thos., Fracksville	1 50	15

Raber, Wm., left	75	08
Rockenberg, John, left	75	08
Rhoads, David, left	75	08
Roads, Frank, left	75	08
Ruel, James, left	75	08
Riley, Thos. left	75	08
Rusk, James, 2d, left	75	08
Ryan, Mark, left	75	08
Reinhard, Alfred, left	75	08
Ross, Wm., poor	1 50	15
Richards, John, Fracksville	1 50	15
Sandford, Patk., left	75	08
Scheid, John, left	75	08
Short, Joseph, left	75	08
Smith, Wm., double	1 50	15
Shaw, David, left	75	08
Sweeney, Daniel, old and poor	25	03
Shiners, James, left	1 50	15
Schaffer, Fred., left	75	08
Smith, Francis, left	1 50	15
Schaffer, Samuel, left	75	08
Sullivan, Thos., left	1 50	15
Swiss, Thos., left	1 50	15
Spein, Joseph, double	75	08
Stofield, Peter, left	75	08
Smith, Charles, poor	1 50	15
Shelty, George, left	1 50	15
Sniger, Thos., left	1 50	15
Shuman, Henry, double	1 50	15
Streib, John, cripple and poor	25	03
Sweeny, James, error	25	03
Simons, John J., error	1 50	15
Smith, Barney, error	75	08
Sweeney, Patk., error	1 50	15
Smith, Wm., error	75	08
Stanton, Patk., left	75	08
Stone, John, error	75	08
Stanwich, Dominic, left	75	08
Throwdo, Jacob, left	75	08
Talton, Robert, left	1 50	15
Toohey, Patk., left	75	08
Thomas, Benny, left	1 50	15
Throdo, Anthony, left	75	08
Thomas, David, left	75	08
Thomas, Martin, left	1 50	15
Thomas, Samuel, left	1 50	15
Toole, Michael, error	75	08
Toole, Patk., error	75	08
Tracey, Dennis, left	1 50	15
Tracey, Peter, left	1 50	15
Tracey, Peter, double	1 50	15
Williams, Thos. G., left	1 50	15
Wallace, Wm., left	75	08
Weidman, John, poor	75	08
Wyatt, James, poor	75	08
Wisher, John, left	1 50	15

Wasmore, Martain, left	1	50	15
Wilson, A. T., Fracksville	2	50	25
Taylor, George, left		75	08
West, Henry, left		75	08
Wragg, Wm., not of age	1	50	15
Williams, John, left		75	08
Welsh, Thos., poor		75	08
Zelinsky, John, left		75	08
Verkey, John, left		75	08
Nash, John, error	1	50	15
Judge, Edward, sick and poor		75	08
Hurley, James, poor		75	08
Hood, Ernest, left	1	50	15
Halton, Edward, old and poor		25	03
Campbell, Wm., left	1	50	15
Richards, John, left	1	50	15
Mulowney, Edward, poor and sick		75	08
Breslin, Michael, poor and sick		75	08
Additional assessment returns	15	28	1 54
	347	81	35 83

SCHUYLKILL COUNTY, *ss:*

On the 29th day of January, 1877, personally appeared before me, one of the commissioners in and for said county, John Donnelly, collector of West Mahanoy Township for the year 1876, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

JOHN DONNELLY,
Collector.

Sworn and subscribed before me.

LOUIS BLASS,
Commissioner.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners of Schuylkill County aforesaid, do hereby certify that the foregoing is a correct copy of the return of county, State, and building taxes for West Mahanoy Township, of said county, for the year 1876, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office this 12th day of February A. D. 1877.

[SEAL.] Attest: E. A. SCHARTEL, *Clerk.*

Return of county and State taxes of Norwegian Township for 1874, by John Hanney, collector.

Brennan, Wm., left	$0	25	
Britt, Edward, poor		25	
Brennan, John, deceased	1	50	
Brown, Andrew, poor	1	60	06
Brennan, Pat, left		75	
Conners, Wm., deceased	1	50	
Colahan, John, left		75	
Colahan, Law., left	1	50	

Colahan, Thos., left	75	
Davis, Evan, left	1 50	
Dolan, James, left	1 50	
Davenport, Wm., left	1 50	
Farrell, John, sick	75	
Garven, Peter, sick	45	12
Grady, Pat, left	75	
Hartman, John, left	85	06
Hurst, James, deceased	1 50	
Kelly, Pat., poor	1 50	
Kelly, Jas., sick	35	06
Katen, Michl., left	75	
Lynch, Bryan, left	25	
McMullen, James, sick	63	23
Marrah, Jas., sr., poor	1 50	
McCormick, Pat., left	75	
Mathews, Wm., left	75	
Maher, Michl., left	75	
Parish, Wm., left	1 50	
Rodgers, Henry, poor	1 50	
Rodgers, Wm., left	1 50	
Salmon, Jas., left	25	
Stone, Dan., left	1 50	
Schaefer, Chas., left	1 13	23
Semore, Rich., minor	75	
Smith, Peter, left	75	
Tierney, Peter, poor	25	
Williams, Wm., left	1 50	
Wakeman, John, cripple	25	
Wilds, Jas., left	1 50	
Berger, Jos., poor	1 13	23
Larkin, Edw., poor	75	
	37 26	76

SCHUYLKILL COUNTY, *ss:*

On the 28th day of January, A. D., 1875, personally appeared before me, clerk of the commissioners in and for said county, John Hanney, collector of Norwegian Township for the year 1874, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not, or ought not to be collected, to the best of his knowledge and belief.

JOHN HANNEY,
Collector.

Sworn and subscribed before me.

O. J. OREGOOD, *Clerk.*

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners for Schuylkill County aforesaid, do hereby certify that the foregoing is a correct copy of the return of county and State taxes for Norwegian Township, in said county, for the year 1874, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office this 12th day of February, A. D. 1877.

[SEAL.] Attest: E. A. SCHARTEL, *Clerk.*

EXHIBIT Y Y.—*H. K. Weston, Notary Public.*

Return of county and State taxes of Norwegian Township for 1875, *by John Hanney, Collector.*

Burns, Wm., exonerated by commissioners	$1	00	
Brett, Edward, left		25	
Berger, Joseph	1	13	$0 22
Brennan, Patk., left		75	
Roderick, Patk., poor	1	50	
Rarry, Daniel, in jail		75	
Crogan, Patk., very old		85	06
Coulin, Bernard		25	
Colihan, Thomas, left		75	
Cochlin, William, left		75	
Calhoun, Alex., left		75	
Dalton, Patk., sickly		25	
Evan, Davis, left	1	50	
Farrell, John, dead		75	
Gross, Fredk., left		75	
Galvin, Peter, sickly		38	08
Haverty, Martin, sickly		25	
Hanny, Thomas, left		25	
Judge, James, old		25	
Kelly, Edward, in jail		75	
Kelly, John, dead		75	
Kelly, William, poor	1	50	
Kelly, James, poor		35	06
Kelly, Michael, left		40	
Kelly, Edward, left		75	
Leaver, Wm., dead		75	
Lynch, John, sr., sickly		25	
Larkin, Edward, poor		75	
Lake, William, sickly		25	
Larkin, John, jr., left		75	
Murry, Mathew, very old		25	
Meade, Andrew, left	1	38	38
McNally, Patk., dead		35	06
McCool, Edward, left	1	50	
Murphy, John, left	1	63	08
Monahan, Michael, cripple		75	
McCauley, Thos., sr., left		75	
McKinny, Murdoch, poor		88	08
McLoughlin, Joseph, left	1	50	
Marland, James, left		75	
Martin, Wm., left	1	50	
Mathews, Wm., jr., left		75	
Mullen, Michael, left		75	
McMurtery, James, poor		75	
Meyer, Michael, left		75	
McCool, Thos., left		75	
Miller, Joseph, left		75	
Murran, James, very old		25	
Pictou, Jacob, left	2	13	38
Parish, Wm., left	1	50	
Parmer, Emanuel, not of age		75	
Rosenberger, Adam, left		88	08

Rogers, Wm., left	1	50	
Shelenberger, Thomas, exonerated by commissioners	2	00	
Snyder, John, old		25	
Shall, Fredk., left	1	88	23
Smith, Peter, left		75	
Teerney, Peter, sickly		25	
Teehan, Wm., poor		75	
Welsh, Patk., dead	1	63	08
Williams, Wm., left	1	50	
Weaklern, John, cripple		25	
Wiles, James, left	1	50	
Welsh, James, dead		75	
Woods, George, left		75	
Colohan, Thos., sr., poor		75	

SCHUYLKILL COUNTY, *ss.:*

On the 26th day of January, 1876, personally appeared before me, clerk of the commissioners of said county, John Hanney, who, upon being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

JOHN HANNEY,
Collector.

Sworn and subscribed before me.

E. A. SCHARTEL, *Clerk.*

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners for Schuylkill County aforesaid, do hereby certify that the foregoing is a correct copy of the return of county and State taxes for Norwegian Township, in said county, for the year 1875, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office this twelfth day of February, A. D. 1877.

[SEAL.] Attest: E. A. SCHARTEL, *Clerk.*

EXHIBIT Z Z.—*H. K. Weston, Notary Public.*

Return of county, State, and building tax of Norwegian Township for the year 1876, by John Hanney, collector.

	County.		Building.	
Berger, Joseph, deceased	$1	13	$0	12
Barry, Daniel, gone		75		08
Brennan, Michael, gone		75		08
Coogan, Patrick, sickly		85		09
Conden, James, gone		75		08
Dormady, Mathew, exonerated	3	13		32
Galvin, Peter, deceased		23		03
Hoffman, William, double		75		08
Herron, John, infirm		60		06
Hays, John, gone	1	50		15
Kelly, James, infirm		35		04
Lynch, Patrick, gone		25		03
Lynch, John, gone		75		08
Larkin, John, deceased		75		08

Little, Lawrence, gone	95	10
Miles, George, deceased	75	08
McMullen, James, deceased	63	07
Markert, Valentine, deceased	38	04
Morgan, John, gone	75	08
McKenna, Murdoch, not found	75	08
Murray, James, left	1 50	15
McGloschren, Joseph, left	1 50	15
McCauley, John, left	75	08
Madara, Nicholas, left	1 50	15
McMullen, James, left	1 50	15
Purcell, John, reduced	75	08
Rogers, Henry, error	1 50	15
Reddington, Mathias, left	1 50	15
Sterner, Frank, left	75	08
Stone, Daniel, left	1 50	15
Smith, Reuben, left	1 50	15
Shully, August, double	1 50	15
Thornton, Charles, left	1 50	15
Urell, Matthew, left	75	08
Welch, John, deceased	75	08
Whims, Lawrence, left	75	08
Farrell, John, Mrs., reduced by commissioners	1 50	15
Kelly, James, left	40	04
Casey, Martin, poor	75	08
Kelly, Patrick, error	1 50	15

SCHUYLKILL COUNTY, *ss:*

On the 29th day of January, 1877, personally appeared before me, one of the commissioners of said county, John Hanney, collector of Norwegian Township for the year 1876, who, upon being duly sworn, doth depose and say, that the foregoing taxes contained in his duplicate ought not, or could not, be collected, to the best of his knowledge and belief.

JOHN HANNEY, *Collector.*

Sworn and subscribed before me.

M. W. FEHR,
Commissioner.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners for Schuylkill County aforesaid, do hereby certify that the foregoing is a correct copy of the return of county, State, and building tax of Norwegian Township, in said county, for the year 1876, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office this twelfth day of February, A. D. 1877.

[SEAL.] E. A. SCHARTEL,
Clerk.

EXHIBIT A A A.—*H. K. Weston, Notary Public.*

Return of county and State taxes of East Norwegian Township for the year 1874, by William Comer, collector.

Armstrong, Thomas, left	$1 50
Anichen, William, left	75

Brennan, Michael, poor	2 25	
Boyer, Benjamin, left	75	
Brown, Henry, left	1 50	
Boran, Daniel, left	75	
Collier, James, left	75	
Conlin, Patrick, poor	75	
Clark, Thomas, poor	2 00	
Cox, Richard, left	1 50	
Curnell, Martin, left	75	
Curk, Patrick, left	1 50	
Calery, William, left	75	
Dunn, Thomas, poor	1 65	$0 09
Dunn, Jacob, poor	1 50	
Diehl, Peter, left	75	
Duffy, Hugh, poor	75	
Fronley, Joseph, poor	75	
Gorman, John, poor	75	
Gerrity, Patrick, poor	1 50	
Hayes, Edw	2 00	
Henry, Thomas, poor	75	
Howard, Benjamin, left	1 50	
Hegins, John, poor	75	
Howard, James, sick	1 50	
Hogan, Teice, not of age	75	
Hayes, Michael, left	75	
Hagan, Daniel, left	75	
Leonard, James, poor	2 00	
Maufin, Rebecca, poor	2 50	
Mooney, Thomas, dead	75	
Marrion, Patrick, poor	35	06
Mullen, William, poor	18	08
Murray, Martin, left	1 50	
Mannion, Ellen, poor	50	
Meloy, John, poor	1 50	
Mackey, Michael, overtaxed	1 00	
Mullen, Thomas, poor	75	
McDonald, Thomas, left	1 50	
O'Neil, Owen, poor	50	
Row, Robert, poor	75	
Reilly, Catharine, poor	38	
Reagan, John, crippled	75	
Robinson, Thomas, left	75	
Ryan, John, left	1 50	
Reilly, Francis, left	1 50	
Ryan, George, poor	75	
Stevenson, Thomas, poor	75	
Stevenson, Thomas, not of age	75	
Thomas, John, left	1 50	
Trawick, Thomas, poor	50	
Williams, William, left	1 50	
Whelan, James, poor	75	
Lippincott, Joshua, reductions	50 00	

SCHUYLKILL COUNTY, *ss:*

On the 26th day of January, A. D. 1875, personally appeared before me, clerk of the commissioners in and for said county, William Comer,

collector for East Norwegian Township for the year 1874, who, being duly sworn according to law, doth depose and say, that the foregoing taxes contained in his duplicate could not, or ought not, to be collected, to the best of his knowledge and belief.

WILLIAM COMER, *Collector.*

Sworn and subscribed before me.

O. J. AREGOOD,
Clerk.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners for Schuylkill County aforesaid, do hereby certify that the foregoing is a correct copy of the return of county and State taxes of East Norwegian Township, in said county, for the year 1874, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office this twelfth day of February, A. D. 1877.

[SEAL.] E. A. SCHARTEL,
Clerk.

EXHIBIT B B B.—*H. K. Weston, Notary Public.*

Return of county and State taxes of East Norwegian Township for the year 1875.

Brennan, Michael, poor	$2 25	
Boland, Patrick, sick	25	
Baskerville, Isaac, dead	25	
Bigly, Thomas, dead	75	
Britton, Samuel, poor	25	
Boyle, Henry, left	25	
Brown, Henry, left	1 50	
Brenshire, William, poor	75	
Boran, Daniel, left	75	
Britton, Samuel, left	75	
Conton, Patrick, poor	75	
Colahan, Edward, reduced by commissioners	75	
Coxe, Richard, left	1 50	
Cuneff, Martin, poor	75	
Cochlin, Thomas, sick	75	
Curk, Patrick, poor	1 50	
Dunn, Thomas, poor	1 65	$0 09
Dillen, Lawrence, left	75	
Doran, Jacob, poor	1 50	
Deenor, Lewis, left	75	
Duffy, Hugh, poor	75	
Devlin, Edward, poor	1 50	
Feeny, John, old	25	
Franlery, Joseph, poor	75	
Frantz, William, left	75	
Giles, John, poor	75	
Giles, Elizabeth, poor	2 00	
Griffin, John, left	1 50	
Giles, James, poor	75	
Garrety, Patrick, poor	75	
Groven, Michael, left	75	
Guty, Charles, left	75	

Hanes, William, left	75	
Harris, George, poor	1 05	
Hayes, Edward, exonerated by commissioners	2 30	
Henry, Thomas, not found	75	
Hegins, John, poor	75	
Hower, James, poor	75	
Hogan, Timothy, dead	75	
Hemger, Zachariah, left	75	
Hayes, Andrew, left	75	
Kerns, James, old	25	
Leonard, James, cripple	2 00	
Langton, Owen, poor	75	
Mauffen, Rebecca, exonerated by commissioners	2 50	
Marrion, Patrick, poor	35	06
Mullin, William, poor	18	
Monahan, James, left	1 50	
Moly, John, left	1 50	
McCormick, Michael, old	25	15
McDonald, Edward, dead	75	
Mullen, Thomas, dead	75	
McDermott, Daniel, left	75	
Mullen, James, left	75	
Morgan, Thomas, left	1 50	
Quigley, Thomas, left	1 50	
Rowe, Robert, old	3 75	
Reilly, Catherine, old	38	
Rigney, John, poor	1 50	
Reagan, John, cripple	37	
Robeson, Thomas, not found	75	
Reilly, Francis, poor	1 50	
Ryan, George, poor	75	
Ryan, John, poor	75	
Ryan, James, left	1 50	
Shadwick, Martha, poor	2 00	
Smith, Samuel, poor	1 50	
Sulivan, Michael, left	1 50	
Steveson, Thomas, dead	75	
Tray, John, poor	75	
Tray, John, left	75	
Thomas, John, left	1 50	
Trowick, Thomas, poor	50	
Titus, Edgar, left	1 50	
Williams, William, poor	1 50	

SCHUYLKILL COUNTY, *ss:*

On the 25th day of January, 1876, personally appeared before me, clerk of the commissioners in and for said county, William Comer, collector for East Norwegian Township for the year 1875, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

WM. COMER, *Collector.*

Sworn and subscribed before me. E. A. SCHARTEL, *Clerk.*

STATE OF PENNSYLVANIA, *County of Schuylkill, ss:*

I, E. A. Schartel, clerk of the board of commissioners of Schuylkill

County aforesaid, do hereby certify that the foregoing is a correct copy of the return of county and State taxes of East Norwegian Township, in said county, for the year 1875, as fully as the same appears of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office, this 12th day of February, A. D. 1877.

[SEAL.] Attest: E. A. SCHARTEL, *Clerk.*

EXHIBIT CCC.—*H. K. Weston, Notary Public.*

Return of county and State taxes of Rahn Township for the year 1874, *by John B. Gallagher, collector.*

Boner, Manuo, left	$0 75	
Blaney, Daniel, left	1 50	
Bright, Francis, left	1 00	
Boner, Patrick	10	$0 06
Burns, Jno., left	75	
Berrigan, Edward, left	75	
Briggs, Israel, left	1 50	
Bradbury, Thomas, left	75	
Burns, Christ	75	
Boyle, Wm., left	75	
Coyle, James, left	75	
Clemens, Robert, left	75	
Cummings, Edward, dead	75	
Campbell, Patrick, left	75	
Conly, Owen, dead	75	
Craig, Robt., old	75	
Cull, Jacob, left	75	
Cannon, Hugh, dead	75	
Cannon, Hugh, dead	75	
Carlin, Michl., left	75	
Claffy, Jno., left	75	
Carter, Jno., left	1 50	
Doherty, Patrick, sick	75	
Duffy, Hugh, sick	1 50	
Delay, Edward, sick	75	
Doherty, Daniel, left	75	
Deener, John, left	75	
Dradford, John, left	75	
Doherty, James, left	75	
Duet, Frank, left	75	
Daly, John, left	75	
Early, Patrick, old	75	
Grady, James, left	75	
Gralf, Matthew, old	75	
Gillespie, Robt., left	75	
Gallagher, Patrick, left	75	
Haggerty, J. C., dead	75	
Herring, Thos., left	75	
Holmes, Richd., left	1 50	
Hyde, Robt., left	1 50	
Harpers, Valentine, left	75	
Hartsel, John, left	75	
Hart, John, left	75	

Hughes, Edward	75	
Jeffries, Thos., left	1 50	
Jenkins, Jonathan, left	75	
Jenkins, Jacob, dead	75	
Kestner, Hosea, left	75	
Kestner, Lewis, left	75	
Lewis, Richard, left	75	
Link, Cornelius, left	75	
Mitchell, Thos., sick	1 50	
Magnar, Eugene, poor	1 50	
Mitchell, Peter, left	1 50	
McCafferty, Michael, left	75	
McCaslin, Michael, left	75	
McLean, Samuel, left	75	
McElroy, Patrick, left	75	
McConnell, Patrick, left	75	
Melloy, Danl., left	75	
Maize, Daniel, left	75	
McCall, James, left	1 50	
Moore, Patrick, left	75	
McSoonley, John, left	75	
Nelson, Patrick, left	75	
Owen, Wm., left	1 50	
O'Donnell, Michael, sick	50	
Phillips, John, poor	1 00	
Rober, Mrs., poor	25	
Reed, John, left	75	
Stewart, Robt., left	75	
Sheridan, James, left	75	
Shellhamer, Jonas, left	85	06
Sedden, Alex., left	1 50	
Simmons, Edward, left	75	
Shepherd, Ebenezer, dead	1 50	
Sledger, Saml., left	1 50	
Schnell, Adam, left	75	
Toy, Charles, left	75	
West, Thomas, poor	1 50	
Whalen, Joseph, left	75	
Williams, G. David, left	75	

SCHUYLKILL COUNTY, *ss:*

On the —— day of February, 1875, personally appeared before me, one of the commissioners of Schuylkill County, John B. Gallagher, collector of Rahn Township for the year 1874, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

JOHN B. GALLAGHER.

Sworn and subscribed before me.

M. W. FEHR.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners for Schuylkill County aforesaid, do hereby certify that the foregoing is a

correct copy of the county and State taxes for Rahn Township, in said county, for the year 1874, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office this 12th day of February, A. D. 1877.

[SEAL.] Attest: E. A. SCHARTEL, *Clerk.*

EXHIBIT D D D.—*H. K. Weston, Notary Public.*

Return of county and State taxes of Rahn Township for the year 1875, *by Peter McGee, collector.*

Aiken, Geo., left.
Barron, Chas., left.
Burns, Peter, no cow.
Boner, Patrick, no cow.
Burns, John, left.
Billingsley, John, left.
Barrier, Jacob, left.
Buckett, Daniel, left.
Boyle, Peter, poor.
Boyle, James, left.
Coyle, James, dead.
Campbell, Patrick, left.
Coale, Jacob, left.
Corgan, Nicholas, dead.
Carlin, Patrick, poor.
Carter, Major, left.
Carlin, Charles, left.
Curnew, John, not found.
Crossen, Wm., left.
Carlin, Andrew, left.
Dunlevy, Patrick, left.
Dougherty, James, left.
Dulirt, Francis, left.
Durrell, W. M., not found.
Devir, Henry, left.
Dooley, Michael, left.
Early, Patrick, left.
Edwards, Richard, left.
Evans, Thomas, left.
Finley, John, left.
Gillespie, Robert, poor.
Gallagher, Frank, left.
Gallagher, Patk., not found.
Holmes, Richard, left.
Hewit, Francis, left.
Harps, Valentine, old.
Hartzell, John, left.
Hallowed, John, left.
Irly, John, left.
Giles, Jenkins, left.
James, James, left.
Jones, Henry, left.
Kelly, Chas., poor.
Loyd, John, left.
McNelis, Wm., left.
Mathews, Bernard, poor and sick.
Melly, Patk., left.
McElry, James, left.
McCafferty, Michael, left.
McCaslin, Michael, left.
Meniless, Timothy, left.
McCaully, Chas., left.
McGavin, Samuel, left.
Melly, Patrick, left.
McLain, Daniel, not found.
O'Donnell, Daniel, left.
O'Donnell, Patrick, left.
O'Donnell, Hugh, left.
O'Donnell, Dominie, left.
Porter, Thos., left.
Stapleton, Patk., old.
Staller, David, left.
Solt, Lafayette, left.
Stapleton, Thos., left.
Tyler, Wm., left.
Weber, Wm., left.
Williams, Benj., left.
Williams, Lewis, left.
Williams, Thos., left.

I, E. A. Schartel, clerk for the commissioners of Schuylkill County, hereby certify that the above is a true and correct extract from the records.

E. A. SCHARTEL, *Clerk.*

January 4, 1877.

EXHIBIT E E E.—*H. K. Weston, Notary Public.*

Return of county, State, and building taxes of Rahn Township, for the year 1876, by Peter Gallagher, collector.

	County.	Building.
Boner, Larry, left	$0 75	$0 08
Boyle, Andrew, jr., left	75	08
Bowen, Benjamin, sick	1 50	15
Bottomly, Joseph, dead	75	08
Boyle, William, left	75	08
Boyle, Peter, dead	75	08
Campbell, Edward, dead	75	08
Curver, Hugh, left	75	08
Collins, Michael, left	75	08
Cugan, Thomas, left	75	08
Carlisle, Patrick, left	75	08
Curran, Hugh, left	75	08
Coyle, Philip, left	75	08
Curran, Cornelius, left	1 23	13
Carlin, Michael, left	75	08
Carlin, Charles, left	75	08
Carlin, Patrick, jr., left	75	08
Coyle, James, jr., dead	75	08
Carlin, Andrew, left	75	08
Doherty, Bernard, left	75	08
Early, Patrick, left	75	08
Edwards, Robert, left	75	08
Fillen, John, dead	1 50	15
Gallagher, John, left	75	08
Gallagher, James, left	1 50	15
Gillespie, James, left	75	08
Gallagher, Patrick, left	75	08
Gallagher, Patrick, left	75	08
Gallagher, James, jr., in jail	75	08
Hartley, Michl, left	75	08
Hanay, John, left	75	08
Harris, James, dead	75	08
Hare, Joseph, left	75	08
Jones, Henry, sick	75	08
Jones, John, left	75	08
Llewellyn, Wm., left	75	08
Mathias, Bernard, left	75	08
Meehan, Patrick, sick	75	08
Meloy, Patrick, left	75	08
McGee, Daniel, sick	75	08
McElvey, James, left	75	08
McCull, James, left	1 50	15
Meneelis, Timothy, left	75	08
McElroy, James, left	75	08
Melley, Patrick J., left	75	08
Malloy, John, in jail	75	08
McCavenaugh, James, not found	75	08
Menelis, John, left	75	08
Morgan, John, left	1 50	15
O'Donnell, Patrick, left	75	08
Oale, John, not found	75	08

Orr, William, left	1 50	15
Philips, John, dead	75	08
Rogers, Patrick, left	1 50	15
Straup, Wesley C., left	75	08
Schaner, Job, left	1 35	14
Thomas, Thomas, left	1 50	15
Tippit, Elijah, left	75	08
Waters, William, left	75	08
Williams, David G., left	75	08
Walker, Benj., jr., not of age	75	08
	52 83	5 55

Additional return January 3, 1877.

Gallagher, Bernard, poor	75	08
Williams, Lewis, left	1 50	15
Williams, Philip, left	1 50	15
Wisely, Samuel, not found	75	08
Edwards, John, paid in Carbon County	1 50	15
McDonald, Wm., double	75	08
	6 75	69

SCHUYLKILL COUNTY, *ss:*

On the 14th day of December, 1876, personally appeared before me, one of the commissioners of said county, Peter Gallagher, collector of Rahn Township for the year 1876, who, being duly sworn according to law, doth depose and say that the foregoing taxes could not be collected. to the best of his knowledge and belief.

PETER GALLAGHER, *Collector.*

Sworn and subscribed before me.

[SEAL.] M. W. FEHR.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, E. A. Schartel, clerk of the board of county commissioners for Schuylkill County aforesaid, do hereby certify that the foregoing is a correct copy of the county, State, and building taxes for Rahn Township, in said county, for the year 1876, as the same remains of record in the office of said county commissioners.

In testimony whereof I have hereunto set my hand and affixed the seal of said office, this 12th day of February, A. D. 1877.

[SEAL.] Attest: E. A. SCHARTEL, *Clerk.*

EXHIBIT F F F.—*H. K. Weston, Notary Public.*

In the court of quarter sessions of the peace, in and for the county of Schuylkill, West Mahanoy Township.

SCHUYLKILL COUNTY, *ss:*

At a court of quarter sessions of the peace in and for said county, at Pottsville, on the 2d day of December, A. D. 1874, before the judges of the same court, upon the petition of sundry inhabitants of the township of Mahanoy, setting forth "that they labor under great inconvenience on account of the diversity of interests that exist in so large a township, it being respectively fourteen miles long and six miles in width, and

that it would be greatly to all the interests of the inhabitants, and tend to a more economical administration of its township affairs, if said township was divided and a new township erected out of a portion of said township; that said township is now divided into election districts, one of which is known as East Mahanoy, one as West Mahanoy, and one as Frackville election districts, so as to include and make the said election districts of West Mahanoy and Frackville a new township, adopting the same line of division from East Mahanoy election district. A new township, to be known as West Mahanoy Township, would best suit the interests and convenience of the inhabitantsthereof;" and therefore praying the court to appoint proper persons as commissioners to inquire into the propriety of dividing said township, and by erecting a new township out of part of said Mahanoy Township, and to run and make such lines as aforesaid, and to make report of their proceedings thereon, together with their opinion of the same, to the next court of quarter sessions.

Whereupon the court, upon due consideration had in the premises, do order and appoint Michael M. Ketner, William Carter, and John Weber commissioners, who are to give notice to the inhabitants of said township of the time and place of meeting by at least twelve written or printed hand-bills, put up in the most public places in said township, at least ten days before the time of their meeting. And having been duly sworn or affirmed according to law to perform their duties with fidelity, and to inquire into the propriety of granting the prayer of the petitioners; and the said commissioners, or any two of them, are further directed to make a draft of said township of Mahanoy and of the lines of the proposed new township to be laid off; all of which the said commissioners, or any two of them, shall report to our next court of quarter sessions, together with their opinion of the same, and their opinion of the propriety of granting the prayer of the petitioners.

By the court,

CHAS. F. RAHN,
Clerk Sessions.

To the honorable the judges within named:

We, the undersigned, commissioners appointed by the within order of court to inquire into the propriety of dividing the township of Mahanoy, and erecting a new township out of parts of the same, respectfully report that, having given notice to the inhabitants of the township of Mahanoy of the time and place of their meeting, as in said order decreed, they met at the public house of Anthony Coyle, in said township, on the 21st day of December, 1874; and having been duly sworn and affirmed to perform the duties assigned to them with fidelity, and having inquired into the propriety of granting the prayer of the petition in said order mentioned, we have made a plat or draught of the said township of Mahanoy, and of the division-line proposed to be made therein, and of the township proposed to be laid off (which said draught is hereto annexed), the lines of which said township are as follows, to wit:

Beginning at a post and stone corner, the southeast corner of the John S. Rehle tract as marked thereon (which corner is a corner in the southern line of Mahanoy Township); thence along the line dividing the said John S. Rehle from the John Cole tract to a line the northeast corner of the John S. Rehle tract; thence along the northern line of the said John S. Rehle tract, and the southern line of the Sarah Millard tract to the southwest corner of the Sarah Millard tract; thence northwardly along the division line between the said Sarah Millard tract and Peter

Benson tract to a corner in the south line of the John Witman and Andrew Lyttle tracts; thence along the south line of the said John Witman and Andrew Lyttle tracts to the southwest corner of the said John Witman and Andrew Lyttle tracts; thence along the western line of the said John Witman and Andrew Lyttle tracts, and the Abraham Betz tract (which line is the eastern line of the borough of Gilberton, and one of the eastern lines of the borough of Shenandoah), to the northwest corner of the said Abraham Betz tract; thence along the northern line of the Abraham Betz tract (which is one of the southern lines of the borough of Shenandoah), to the northeast corner of the Abraham Betz tract; thence along the western line of the John Kunckle, jr., and Evan Owen, jr., tracts (which is also the eastern line of the borough of Shenandoah), to the northwest corner of the said Evan Owen tract; thence along the northern line of the said Evan Owen, jr., tract to the southeast corner of the Wm. Steadman tract; thence along the eastern line of the Wm. Steadman and Josiah Haunes tracts to the north line of the said Mahanoy Township; thence westward along said northern line to the northwest corner of said township; thence along the western line of the said township to the southwest corner thereof; thence along the southern lines thereof to the place of beginning.

The above division-line does not strictly conform to the line in the order mentioned. The line between the Frackville and West Mahanoy and East Mahanoy election districts divides several tracts of land, whilst the line as above set forth follows the division-lines of the several tracts of land, as the parts where the differences are does not affect the conveniences of the inhabitants of the township proposed to be erected.

On account of the recent heavy snow the commissioners did not mark the lines on the ground, and further, as the line above set forth for the major part is now well marked, there was but little necessity for remarking the same

We further report that they are of the opinion that the creation and erection of a new township according to the aforesaid lines would be to the convenience of the inhabitants thereof; therefore that, in the opinion of the commissioners, the prayer of the petitioners should be granted, and a new township erected to conform to the aforesaid lines.

All of which is respectfully submitted.

December 21, 1874.

M. M. KETNER,
WILL. H. CARTER,
JOHN WEBER,
Commissioners.

December 2, 1874, commissioners appointed.

February 1, 1874, report of commissioners confirmed, and a new township decreed.

East Mahanoy election district: For division, 6; against division, 99.
Frackville election district: For division, 107; against division, none.
West Mahanoy election district: For division, 244; against division, 9.

And now, to wit, February 1st, 1875, it appearing to the court that the citizens of said township have duly voted on the question of the division of said township, and that a majority of the votes cast at said election were in favor of a division of said township, as shown by the returns of said election, certified to and filed with the clerk of said court, the court order and decree a division of said township, agreeably to the lines marked out and mentioned in the draught and report of the commissioners heretofore appointed to report thereon, and filed in the office

of the clerk aforesaid, and that all that portion of said township lying west of said line as constitute and be a new township to be known and called "West Mananoy Township," and that the places for holding election therein shall be the same places where elections have been heretofore held in that portion now constituting West Mahanoy Township.

By the court.

CHAS. F. RAHN,
Cle'k Sessions.

SCHUYLKILL COUNTY, *ss:*

I, O. J. Aregood, clerk of the court of quarter sessions of the peace in and for the county of Schuylkill, do certify that the foregoing writing is a true copy of the proceedings in the matter of the division of Mahanoy Township and formation of West Mahanoy Township in said county, so full and entire as the same remains of record in said court as recorded in record of division of townships.

Witness my hand and the seal of said court, at Pottsville, this 12th day of February, A. D. 1877.

[SEAL.]

O. J. AREGOOD,
Clerk Sessions.

EXHIBIT G G G.—*H. K. Weston, Notary Public.*

In the matter of the contested election in the thirteenth Congressional district of Pennsylvania, for a seat to represent said district in the House of Representatives of the United States of America in the Forty-fifth Congress.

To the honorable John Cadwalader, judge of the circuit court of the United States for the eastern district of Pennsylvania:

The petition of James L. Nutting, of the county of Schuylkill aforesaid, respectfully represents:

That your petitioner and James B. Reilly, of said county, were voted for for Representative from the thirteenth Congressional district of Pennsylvania, composed of the said county of Schuylkill, to the House of Representatives of the United States for the Forty-fifth Congress, at the election held on the 7th day of November, A. D. 1876.

That in pursuance of said election the said James B. Reilly was returned as having received ten thousand one hundred and seven votes, and your petitioner as having received ten thousand and twenty-six votes, making a majority in favor of said Reilly of eighty-one votes; and the said Reilly was in pursuance thereof returned as Representative to said House of Representatives elect.

That your petitioner has since said election, to wit, on the sixth day of December, A. D. 1876, served, or caused to be served, upon the said Reilly a notice of your petitioner's intention to contest his, said Reilly's, election, by which he was returned as the Representative from said thirteenth Congressional district of Pennsylvania, as aforesaid; and that he, your petitioner, would proceed under the provisions of the act of Congress of the United States entitled "An act to prescribe the mode of obtaining evidence in cases of contested election," approved February 19, 1851, and under the provisions of the Constitution, and all other acts of Congress relative to contested election-cases.

That in pursuance of the said notice so served upon the said Reilly as aforesaid, and the further notices served upon the said Reilly of the time and place of taking the testimony and the names of the witnesses to be examined, as required by the said act of Congress, your petitioner

commenced taking the testimony as provided in said act of Congress, and continued the same up to this time.

That he is limited in the time in which to take and complete his testimony to forty days, which time will expire Monday next, the 12th day of February, 1877.

That it appears by the testimony taken in the matter, on the part of the petitioner, that two hundred and upwards of votes or ballots were cast or voted at said election by persons not qualified electors, which votes or ballots had been cast for said Reilly, taken and counted in the return of said election for the said Reilly, for the said office of Representative in Congress as aforesaid, more than sufficient to change the result of the said election, and more than sufficient to entitle your petitioner to the said office of Representative in the Forty-fifth Congress aforesaid.

That many of the voters who have testified and proven by their own testimony that they voted illegally; that they were not qualified voters; are unable to tell for whom they voted for Representative as aforesaid, whether for the said Reilly or for your petitioner; and your petitioner avers that they voted for the said Reilly, and that an examination of the ballots cast by such illegal voters will show that they so voted for said Reilly.

That the votes or ballots so illegally cast, counted, and returned for said Reilly, and the persons who cast the same, are unable to answer for whom they were cast for Representative as aforesaid, were cast in the following election-districts within said county of Schuylkill, viz: East ward, middle ward, and west ward of the borough of Ashland; Blythe, East Butler, South Butler, North Butler, North Cass, South Cass, Foster, Frailey, Girardville Borough; middle ward and west ward in the borough of Gilberton; Kline, West Mahanoy, Mount Carbon Borough; New Castle, Norwegian, East Norwegian; north ward and southeast ward of the borough of Pottsville; Rahn, Rush, west ward in the borough of Schuylkill Haven; and first ward, fourth ward, and fifth ward in the borough of Shenandoah, and Yorkville (Borough).

That the ballots so cast as aforesaid, in the said several election-districts, are numbered in the order in which they were received, and the number is recorded by the election-officers on the list of voters opposite the name of the elector or voter who cast the same, as required by the constitution of the commonwealth of Pennsylvania, and therefore an examination of the ballot so cast by each of said illegal voters would show the name of the person for whom it was cast for the office of Representative to the said House of Representatives.

That under the laws of the commonwealth of Pennsylvania the ballot-boxes used at any general or special election shall be delivered to the justice of the peace residing nearest the election-poll; that the boxes used at the said election held on the 7th day of November last, and in which the ballots cast at said election for Representative from the said thirteenth Congressional district of Pennsylvania to the House of Representatives of the United States for the Forty-fifth Congress were there deposited, were delivered to and placed in the custody of the several and respective parties residing within said county of Schuylkill, whose names and residences are as follows:

Ashland: East ward, John H. Kemmerrer; middle ward, August Voshage; west ward, James I. Lake; all residing in the borough of Ashland.

Blythe: Patrick Fogarty, residing in Blythe Township.

East Butler: Anthony Cary, residing in Butler Township.

South Butler: John F. Lewis, residing in Butler Township.
North Butler: Sarah Sweeney, residing in Butler Township.
North Cass: Bridget O'Connor, of Cass Township.
South Cass: William McHall, residing in Cass Township.
Foster: John F. G. Kumsins, residing in the borough of Minersville.
Frailey: Joseph Fatherengill, of Frailey Township; Girardville, Louis Blass, residing in the borough of Girardville.
Gilberton: Middle ward, Francis McKeon, residing in the borough of Gilberton.
Gilberton: West ward, J. H. Davidson, residing in the borough of Gilberton.
Kline: ——— ———, residing in the township of Kline.
West Mahanoy: William E. Hay, residing in West Mahanoy Township.
Mount Carbon: ——— ———, residing in the borough of Mount Carbon.
New Castle: Morris Perkins, residing in Wadesville, New Castle Township.
Norwegian: ——— ———, residing in the ———.
East Norwegian: ——— ———, residing in the ———.
Pottsville: North ward, Louis Barry, residing in Pottsville.
Pottsville: Southeast ward, John M. Crossland, residing in Pottsville.
Rahn: David E. Hughes, residing in Rahn Township.
Rush: Hosea Williams, residing in Rush Township.
Schuylkill Haven: West ward, ——— ———, residing in the borough of Schuylkill Haven.
Shenandoah: First ward, Hannah Morrison, residing in the borough of Shenandoah.
Shenandoah: Fourth ward, George W. Johnston, residing in said borough of Shenandoah.
Shenandoah: Fifth ward, Andrew Hilderbrandt, residing in said borough of Shenandoah.

That your petitioner has appointed John P. Hobart, esq., a register in bankruptcy of the eastern district of Pennsylvania, residing in Pottsville within said Congressional district, to take testimony in the above matter, and said register has accepted the appointment, and is now taking such testimony.

Your petitioner therefore prays your honor to order and direct the said parties in whose custody, care, or charge the said ballot-boxes containing the ballots so cast at the said election for your petitioner and said Reilly, for Representative from the said thirteenth Congressional district of Pennsylvania to the House of Representatives of the United States for the Forty-fifth Congress, to produce the same before the said John P. Hobart, esq., register in bankruptcy, taking the testimony as aforesaid, on or before Monday, the 12th day of February, A. D. 1877, to enable him to examine, or have examined, according to law, the ballots so cast by such illegal voters as aforesaid, that proof may be made for whom said ballots were cast, counted, and returned for Representative to the House of Representatives as aforesaid at the said election held on said 7th day of November, A. D. 1876, in the above matter.

And he will ever pray, &c.

J. L. NUTTING.

UNITED STATES OF AMERICA,
Eastern District of Pennsylvania, ss:

James L. Nutting, the petitioner within named, being duly sworn

says that the facts set forth in the foregoing petition are true to the best of his knowledge and belief.

JAMES L. NUTTING.

Sworn and subscribed, February 9, 1877, before me.

SAMUEL BELL, *United States Commissioner.*

In the matter of the contested election in the thirteenth Congressional district of Pennsylvania for a seat to represent said district in the House of Representatives of the United States of America in the Forty-fifth Congress.

To JOHN P. HOBART, Esq.,

Register in Bankruptcy of the District Court of the United States for the Eastern District of Pennsylvania, now taking the depositions of witnesses in the above matter:

The petition of James L. Nutting, of the county of Schuylkill aforesaid, respectfully represents:

That your petitioner and James B. Reilly, of said county, were voted for for Representative from the thirteenth Congressional district of Pennsylvania, composed of the said county of Schuylkill, to the House of Representatives of the United States for the Forty-fifth Congress, at the election held on the 7th day of November, A. D. 1876.

That, in pursuance of said election, the said James B. Reilly was returned as having received ten thousand one hundred and seven (10,107) votes, and your petitioner as having received ten thousand and twenty-six (10,026) votes, making a majority in favor of said Reilly of eighty-one (81) votes; and the said Reilly was, in pursuance thereof, returned as Representative to said House of Representatives elect.

That your petitioner has, since said election, to wit, on the sixth day of December, A. D. 1876, served or caused to be served upon the said Reilly a notice of your petitioner's intention to contest his, said Reilly's, election, by which he was returned as the Representative from said thirteenth Congressional district of Pennsylvania, as aforesaid, and that he, your petitioner, would proceed under the provisions of the act of Congress of the United States entitled "An act to prescribe the mode of obtaining evidence in cases of contested election," approved February 19, 1851, and under the provisions of the Constitution, and all other acts of Congress relative to contested-election cases.

That by the acts of Congress aforesaid your petitioner is limited in the time in which to take his testimony to forty days, which time will expire on Monday next, the 12th day of February, 1877.

That it appears, by the testimony taken in the matter on the part of the petitioner, that one hundred and upwards of votes or ballots were cast or voted at said election by persons not qualified electors, which votes or ballots had been cast for said Reilly, taken and counted in the returns of said election for the said Reilly for the said office of Representative in Congress, as aforesaid, more than sufficient to change the result of the said election, and more than sufficient to entitle your petitioner to the said office of Representative in the Forty-fifth Congress aforesaid.

That many of the voters who have testified, and proven by their own testimony that they voted illegally; that they were not qualified voters; are unable to tell for whom they voted for for representative as aforesaid, whether for the said Reilly or for your petitioner; and your petitioner avers that they voted for the said Reilly, and that an examination of the ballots cast by such illegal voters will show that they so voted for said Reilly.

That the votes or ballots so illegally cast, counted, and returned for said Reilly, and the persons who cast the same are unable to answer for whom they were cast for representative, as aforesaid, were cast in the following election-districts, within said county of Schuylkill, viz: East ward, middle ward, and west ward, of the borough of Ashland; Blythe, East Butler, South Butler, North Butler, North Cass, South Cass, Foster, Frailey, Girardsville borough; middle ward and west ward, in the borough of Gilberton; Kline, West Mahanoy, Mount Carbon borough; New Castle, Norwegian, East Norwegian, north ward, and southeast ward, of the borough of Pottsville: Rahn, Rush, west ward, in the borough of Schuylkill Haven; and first ward, fourth ward, and fifth ward, in the borough of Shenandoah, and Yorkville (Borough).

That the ballots so cast, as aforesaid, in the said several election-districts are numbered in the order in which they were received, and the number is recorded by the election-officers on the list of voters opposite the name of the elector or voter who cast the same, as required by the constitution of the commonwealth of Pennsylvania; and, therefore, an examination of the ballots so cast by each of said illegal voters would show the name of the person for whom it was cast for the office of Representative to the said House of Representatives.

Your petitioner, therefore, prays you to order and direct the ballot-boxes, in which the ballots so cast are deposited in the said election-districts, to be produced before you on or before Monday next (February 12, 1877), to enable you to examine or have examined, according to law, the ballots so cast by such illegal voters as aforesaid, and proof made for whom said ballots were cast, counted, and returned for Representative to the House of Representatives aforesaid, at the said election held on the 7th day of November, A. D. 1876, in the above matter.

And he will ever pray, &c.

J. L. NUTTING.

UNITED STATES OF AMERICA,
Eastern District of Pennsylvania, ss:

James L. Nutting, the petitioner within named, being duly sworn, says that the facts set forth in the foregoing petition are true, to the best of his knowledge and belief.

J. L. NUTTING.

Sworn and subscribed February 7, 1877, before me.

JOHN P. HOBART,
Register in Bankruptcy.

I respectfully refer the foregoing petition to the judge of the district court of the United States for the eastern district of Pennsylvania.

JOHN P. HOBART,
Register in Bankruptcy.

In the matter of the contested election in the thirteenth Congressional district of Pennsylvania for a seat to represent said district in the House of Representatives of the United States of America in the Forty-fifth Congress.

In the matter of the petition of James L. Nutting, praying for an order for the production of ballot-boxes.

The said James L. Nutting prays leave to amend his said petition by adding the following:

That under the laws of the commonwealth of Pennsylvania the ballot-boxes used at any general and special election shall be delivered to the

justice of the peace residing nearest to the election-poll. That the boxes used at the said election held on the 7th day of November last, and in which the ballots cast at said election for Representative from the said thirteenth Congressional district for Pennsylvania, to the House of Representatives of the United States for the Forty-fifth Congress, were there deposited, were delivered to and placed in the custody of the several and respective parties, residing within said county of Schuylkill, whose names and residences are as follows:

Ashland: East ward, John Kemmerer; middle ward, August Voshage; west ward, James J. Lake; all residing in the borough of Ashland.

Blythe, Patrick Fogarty, residing in Blythe Township.
East Butler, Anthony Carey, residing in Butler Township.
South Butler, John F. Lewis, residing in Butler Township.
North Butler, Sarah Sweeney, residing in Butler Township.
North Cass, Bridget O'Conner, residing in Cass Township.
South Cass, William McHale, residing in Cass Township.
Foster, John F. G. Kumsius, residing in the borough of Minersville.
Frailey, Joseph Fotheringill, of Frailey Township.
Girardsville, Louis Blase, residing in the borough of Girardsville.
Gilberton: Middle ward, Francis McKeon; west ward, J. H. Davidson; both residing in the borough of Gilberton.
Kline, ——— ———, residing in the township of Kline.
West Mahanoy, William E. Hay, residing in the township of West Mahanoy.
Mount Carbon, ——— ———, residing in the borough of Mount Carbon.
New Castle, Morris Perkins, residing in Wadesville, in the township of New Castle.
Norwegian, ——— ———, residing in ———.
East Norwegian, ——— ———, residing in ———.
Pottsville: North ward, Lewis Parry; southeast ward, John M. Crossland; both of the borough of Pottsville.
Rahn, David E. Hughes, residing in the township of Rahn.
Rush, Hosea Williams, residing in the township of Rush.
Schuylkill Haven: West ward, ——— ———, residing in the borough of Schuylkill Haven.
Shenandoah: First ward, Hannah Morrison; fourth ward, George W. Johnson; fifth ward, Andrew Hilderbrandt; all residing in the borough of Shenandoah.

Your petitioner prays you to order and direct the said parties in whose custody, care, or charge the said ballot-boxes, containing the ballots so cast at the said election for your petitioner and said Reilly for Representative from the said thirteenth Congressional district of Pennsylvania, to the House of Representatives of the United States for the Forty-fifth Congress, to produce the same before you on or before Monday the 12th day of February, A. D. 1877, to enable you to examine or have examined, according to law, the ballots so cast by such illegal voters aforesaid, that proof may be made for whom said ballots were cast, counted, and returned for Representative to the House of Representatives, aforesaid, at the said election held on the 7th day of November, A. D. 1876, in the above matter.

And he will ever pray, &c.

JAMES L. NUTTING.

UNITED STATES OF AMERICA,
Eastern District of Pennsylvania, ss:

James L. Nutting, the petitioner within named, being duly sworn, says that the facts set forth in the foregoing petition are true to the best of his knowledge and belief.

JAMES L. NUTTING.

Sworn and subscribed to before me this 9th day of February, A. D. 1877.

SAMUEL BELL,
United States Commissioner.

UNITED STATES OF AMERICA,
Eastern District of Pennsylvania, sct.:

In the matter of the contested election in the thirteenth Congressional district of Pennsylvania, for a seat to represent said district in the House of Representatives of the United States of America in the Forty-fifth Congress, wherein James L. Nutting is the contestant and James B. Reilly the returned member.

I, Charles S. Lincoln, clerk of the district court of the United States for the eastern district of Pennsylvania, do hereby certify that the annexed and foregoing is a true and faithful copy of the petition of James L. Nutting, praying an order upon parties having custody of certain ballot-boxes and their contents, for the production of the same before John P. Hobart, esq., register in bankruptcy, taking testimony respecting the contested election, that the ballots may be examined.

And also of a similar petition addressed to the said register, with his reference of the same to the said judge, presented by James H. Campbell, esq., and George Bull, esq., attorneys and counsel for the said James L. Nutting, and now remaining on file in the office of the said court.

In testimony whereof I have hereunto subscribed my name and affixed the seal of the said district court at Philadelphia this 10th day of February, A. D. 1877, and in the 101st year of the Independence of the United States.

[SEAL.]

AARON S. SWARTZ,
Pro. Clerk District Court United States.

EXHIBIT H H H.—*H. K. Weston, Notary Public.*

WASHINGTON, *May* 15, 1867.

SIR: In pursuance of the act of Congress entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, I nominate and recommend to you John P. Hobart, of Pottsville, Schuylkill County, for the office of register in bankruptcy for the tenth Congressional district of the State of ——.

S. P. CHASE,
Chief Justice of the United States.

To the honorable JOHN CADWALADER,
United States District Judge
for the Eastern District of Pennsylvania.

John P. Hobart, esquire, above named, is appointed register in bankruptcy in the tenth Congressional district of Pennsylvania. This and the foregoing writing will be filed and recorded upon his taking the oaths prescribed by the above-mentioned act, and filing his bond to the

United States in ten thousand dollars, with two approved sureties, each in five thousand dollars, conditioned as the act prescribes; whereupon his appointment will take effect.

May 16, 1867.

JOHN CADWALADER, *District Judge.*

And now, May 20, 1876, John P. Hobart, esquire, register in bankruptcy in the tenth Congressional district of Pennsylvania, files his nomination and recommendation by the Chief Justice of the Supreme Court, and appointment by the judge of this court; and having duly taken the oaths prescribed by the act of Congress in that behalf, and filed the said oaths with his bond (as required by the court), in ten thousand dollars, with two approved sureties, each in five thousand dollars, conditioned as the said act requires, the said register enters upon the duties of the said office.

J. C.

UNITED STATES OF AMERICA, *Eastern District of Pennsylvania, sct:*

I, Charles S. Lincoln, clerk of the district court of the United States for the eastern district of Pennsylvania, do hereby certify that the annexed and foregoing is a true and faithful copy of the nomination, recommendation, and appointment of John P. Hobart, esq., as register in bankruptcy in the tenth Congressional district of the State of Pennsylvania, now remaining among the records of the said court in my office.

In testimony whereof I have hereunto subscribed my name and affixed the seal of the said district court, at Philadelphia, this 12th day of February, in the year of our Lord one thousand eight hundred and seventy-seven, and in the 101st year of the Independence of the United States.

[SEAL.] CHARLES S. LINCOLN,
Clerk District Court United States.

EXHIBIT III.—*H. K. Weston, Notary Public.*

PENNSYLVANIA, *ss:*

In the name and by the authority of the commonwealth of Pennsylvania, John F. Hartranft, governor of the said commonwealth, to H. K. Weston, esq., of the county of Schuylkill, sends greeting:

Reposing especial trust and confidence in your prudence, integrity, and abilities, by and with the advice and consent of two-thirds of all the members of the senate, I have appointed you, the said H. K. Weston, to be a notary public for the commonwealth of Pennsylvania, to reside in the borough of Pottsville, in said county.

You are therefore by these presents appointed and commissioned to be a notary as aforesaid, to have and to hold the said office of notary public, together with all the rights, powers, and emoluments to the said office of notary public belonging, or by law in anywise appertaining, for the period of three years, to be computed from the 25th day of March, A. D. 1876, if you shall so long behave yourself well.

Given under my hand and great seal of the State, at Harrisburg, this 11th day of March, A. D. 1876, and of the commonwealth the one hundredth.

By the governor. M. S. QUAY,
[SEAL.] *Secretary of the Commonwealth.*

Recorded and examined March 29, 1876.

ADAM HARTWIG, *Recorder.*

Know all men by these presents that we, H. K. Weston, Richard Bruce, and H. C. Dornan, P. W. Sheafer, of the county of Schuylkill, are held and firmly bound unto the commonwealth of Pennsylvania, for the use thereof, in the sum of $3,000, lawful money, to be paid to the said commonwealth, to the which payment, well and truly to be made, we do bind ourselves jointly and severally for and in the whole, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals and dated the 27th day of March, A. D. 1876.

Whereas the said H. K. Weston has been duly appointed a notary public in and for the commonwealth of Pennsylvania, to reside in the borough of Pottsville, in said county of Schuylkill, by commission from the governor of this commonwealth, bearing date the 25th day of March, 1876, to hold the said office for three years from the 25th day of March, 1876:

Now, the condition of the above obligation is such, that if the said H. K. Weston, appointed and commissioned notary public as aforesaid, shall and does well and truly and faithfully in all things execute and perform the duties of the said office of notary public according to the several acts of assembly relating thereto, and shall well and faithfully account for and pay over into the State treasury all public moneys or taxes which he shall become liable to pay to the commonwealth, or which shall come into his hands from time to time during his continuance in the said office, and also shall, when thereunto lawfully required, deliver up to the register records and other public papers to the said office belonging, whole, safe, and undefaced into the office of he recorder of deeds for the said county of Schuylkill, as required by law, then this obligation to be void, or else to remain in full force and virtue.

H. K. WESTON. [SEAL.]
RICHARD BRUCE. [SEAL.]
H. C. DORNAN. [SEAL.]
P. W. SHEAFER. [SEAL.]

Sealed and delivered in the presence of—
C. F. RAHN as to H. C. Dornan.

Recorded and examined March 29, 1876.

ADAM HARTWIG, *Recorder.*

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, H. K. Weston, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the constitution of this commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or valuable thing to procure my nomination or appointment except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election-law of this commonwealth or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law.

H. K. WESTON.

Sworn and subscribed before me this 29th day of March, A. D. 1876.

ADAM HARTWIG, *Recorder.*

Recorded and examined March 29, 1876.

ADAM HARTWIG, *Recorder.*

SCHUYLKILL COUNTY, *ss :*

I, Adam Hartwig, recorder of deeds, &c., in and for said county, do certify that the writing contained on the foregoing five pages of this paper is a true and correct copy of the commission, bond, and oath of office of H. K. Weston, notary public, so full and entire as the same now remains of record in this office in commission book No. 9, page 210, &c.

Witness my hand and official seal, at Pottsville, this 10th day of February, A. D. 1877.

ADAM HARTWIG, *Recorder.*

EXHIBIT J J J.—*H. K. Weston, Notary Public.*

PENNSYLVANIA, *ss:*

In the name and by the authority of the commonwealth of Pennsylvania, John F. Hartranft, governor of the said commonwealth, to Seth W. Geer, esquire, of the county of Schuylkill, sends greeting:

Reposing especial trust and confidence in your prudence, integrity, and abilities, by and with the advice and consent of two-thirds of all the members of the senate, I have appointed you, the said Seth W. Geer, to be a notary public for the commonwealth of Pennsylvania, to reside in the borough of Minersville, in said county.

You are therefore by these presents appointed and commissioned to be a notary public as aforesaid, to have and to hold the said office of notary public, together with all the rights, powers, and emoluments to the said office of notary public belonging, or in anywise appertaining, for the period of three years, to compute from the day of the date hereof, if you shall so long behave yourself well.

Given under my hand and the great seal of the State, at Harrisburg, this thirteenth day of January, in the year of our Lord one thousand eight hundred and seventy-seven, and of the commonwealth the one hundred and first.

By the governor:

[SEAL.]

M. S. QUAY,
Secretary of the Commonwealth.

Recorded and examined January 31, 1877.

ADAM HARTWIG,
Recorder.

Know all men by these presents that we, Seth W. Geer, Samuel Kauffman, and George J. Hehr, of the county of Schuylkill, are held and firmly bound unto the commonwealth of Pennsylvania, for the use thereof, in the sum of three thousand dollars, lawful money, to be paid to the said commonwealth, to the which payment, well and truly to be made and done, we bind ourselves jointly and severally for and in the whole, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals and dated the 31st day of January, in the year of our Lord one thousand eight hundred and seventy-seven.

Whereas the said Seth W. Geer has been duly appointed a notary public in and for the commonwealth of Pennsylvania, to reside in the borough of Minersville, in said county of Schuylkill, by commission from the governor of this commonwealth, bearing date the 30th day of January, one thousand eight hundred and seventy-seven, to hold the said office for three years from the 30th day of January, one thousand eight hundred and seventy-seven.

Now, the condition of the above obligation is such, that if the said Seth W. Geer, appointed and commissioned notary public as aforesaid, shall and does well and truly and faithfully in all things execute and perform the duties of the said office of notary public according to the several acts of assembly relating thereto, and shall well and faithfully account for and pay over into the State treasury all public moneys or taxes which he shall become liable to pay to the commonwealth or which shall come into his hands from time to time during his continuance in the said office, and also shall, when thereunto lawfully required, deliver up to the register records and other public papers to the said office belonging whole, safe, and undefaced unto the office of the recorder of deeds for the said county of Schuylkill, as required by law, then this obligation to be void, or else to be and remain in full force and virtue.

SETH W. GEER. [SEAL.]
S. KAUFFMAN. [SEAL.]
GEO. J. HEHR. [SEAL.]

Sealed and delivered in the presence of us—
J. F. G. KUMSIUS.
S. A. PHILIPS.

Recorded and examined January 31, 1877.

ADAM HARTWIG,
Recorder.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss :

I, Seth W. Geer, notary public, do solemnly affirm that I will support, obey, and defend the Constitution of the United States and the constitution of this commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or appointment except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this commonwealth or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law.

SETH W. GEER.

Affirmed and subscribed before me this 31st day of January, A. D. 1877.

ADAM HARTWIG,
Recorder.

Recorded and examined January 31, 1877.

ADAM HARTWIG,
Recorder.

SCHUYLKILL COUNTY, *ss:*

I, Adam Hartwig, recorder of deeds, &c., in and for said county, do certify that the writing contained on the foregoing five pages of this paper is a true and correct copy of the commission, bond, and oath of office of Seth W. Geer, notary public, so full and entire as the same now remains of record in this office in commission-book No. 9, page 264, &c.

Witness my hand and official seal, at Pottsville, this 10th day of February, A. D. 1877.

ADAM HARTWIG,
Recorder.

EXHIBIT K K K.—*H. K. Weston, Notary Public.*

PENNSYLVANIA, *ss:*

In the name and by the authority of the commonwealth of Pennsylvania, John F. Hartranft, governor of the said commonwealth, to Theodore P. Trayer, esquire, of the county of Schuylkill, sends greeting:

Reposing especial trust and confidence in your prudence, integrity, and abilities, by and with the advice and consent of two-thirds of all the members of the senate, I have appointed you, the said Theodore P. Trayer, to be a notary public for the commonwealth of Pennsylvania, to reside in the borough of Pottsville, in said county.

You are therefore by these presents appointed and commissioned to be a notary public as aforesaid, to have and to hold the said office of notary public, together with all the rights, powers, and emoluments to the said office of notary public belonging, or by law in anywise appertaining, for the period of three years, to be computed from the thirtieth day of April, A. D. one thousand eight hundred and seventy-six, if you shall so long behave yourself well.

Given under my hand and the great seal of the State, at Harrisburg, this twelfth day of April, in the year of our Lord one thousand eight hundred and seventy-six, and of the commonwealth the one hundredth.

By the governor:

[SEAL.] M. S. QUAY,
Secretary of the Commonwealth.

Recorded and examined April 24, 1876.

ADAM HARTWIG,
Recorder.

Know all men by these presents that we, Theodore P. Trayer, W. W. Potts, J. Albert Huntzinger, of the county of Schuylkill, are held and firmly bound unto the commonwealth of Pennsylvania, for the use thereof, in the sum of three thousand dollars, lawful money, to be paid to the said commonwealth, to the which payment, well and truly to be made and done, we bind ourselves, jointly and severally, for and in the whole, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals and dated the 24th day of April, in the year of our Lord one thousand eight hundred and seventy-six.

Whereas the said Theodore P. Trayer has been duly appointed a notary public in and for the commonwealth of Pennsylvania, to reside in the borough of Pottsville, in said county of Schuylkill, by commission from the governor of this commonwealth, bearing date the 12th day of April, one thousand eight hundred and seventy-six, to hold the said office for three years from the 30th day of April, one thousand eight hundred and seventy-six:

Now, the condition of the above obligation is such, that if the said Theodore P. Trayer, appointed and commissioned notary public as aforesaid, shall and does well and truly and faithfully in all things execute and perform the duties of the said office of notary public according to the several acts of assembly relating thereto, and shall well and faithfully account for and pay over into the State treasury all public money or taxes which he shall become liable to pay to the commonwealth, or which shall come into his hands from time to time during his continuance in the said office, and also shall, when thereunto lawfully required, deliver up to the register records and other public papers to the said office belonging whole, safe, and undefaced into the office of the recorder

of deeds for the said county of Schuylkill, as required by law, then this obligation to be void, or else to be and remain in full force and virtue.

THEO. P. TRAYER. [SEAL.]
W. W. POTTS. [SEAL.]
J. ALBERT HUNTZINGER. [SEAL.]

Sealed and delivered in the presence of us—
THOMAS LLOYD.
CHARLES H. GRIEFF.

Recorded and examined April 26, 1876.

ADAM HARTWIG,
Recorder.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Theodore P. Trayer, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the constitution of this commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or appointment except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law.

THEO. P. TRAYER.

Sworn and subscribed before me this 26th day of April, A. D. 1876.

CHAS. F. RAHN,
Deputy Recorder.

Recorded and examined April 26, 1876.

ADAM HARTWIG, *Recorder.*

SCHUYLKILL COUNTY, *ss:*

I, Adam Hartwig, recorder of deeds, &c., in and for said county, do certify that the writing contained on the foregoing five pages of this paper is a true and correct copy of the commission, bond, and oath of office of Theodore P. Trayer, notary public, so full and entire as the same now remains of record in this office in commission-book No. 9, page 225, &c.

Witness my hand and official seal, at Pottsville, this 12th day of February, A. D. 1877.

ADAM HARTWIG, *Recorder.*

EXHIBIT L L L.—*H. K. Weston, Notary Public.*

PENNSYLVANIA, *ss:*

In the name and by the authority of the Commonwealth of Pennsylvania, to John C. Conrad, esquire, of the county of Schuylkill, sends greeting:

Reposing especial trust and confidence in your prudence, integrity, and abilities, by and with the advice and consent of two-thirds of all the members of the senate, I have appointed you, the said John C. Conrad, to be a notary public for the commonwealth of Pennsylvania, to reside in the borough of Tamaqua, in said county.

You are therefore by these presents appointed and commissioned to be

a notary public, as aforesaid, to have and to hold the said office of notary public, together with all the rights, powers, and emoluments to the said office of notary public belonging or by law in anywise appertaining, for the period of three years, to be computed from the day of the date hereof, if you shall so long behave yourself well.

Given under my hand and the great seal of the State, at Harrisburg, this nineteenth day of June, in the year of our Lord one thousand eight hundred and seventy-five, and of the commonwealth the ninety-ninth.

By the governor:

[SEAL.] M. S. QUAY,
Secretary of the Commonwealth.

Recorded and examined June 14, 1875.

J. J. WEBER, *Recorder.*

Know all men by these presents that we, John C. Conrad, Michael Beard, and Nicholas Seitzinger, of the county of Schuylkill, Pennsylvania, are held and firmly bound unto the commonwealth of Pennsylvania, for the use thereof, in the sum of three thousand dollars, lawful money, to be paid to the said commonwealth, to the which payment, well and truly to be made and done, we bind ourselves jointly and severally, for and in the whole, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated the fourteenth day of June, in the year of our Lord one thousand eight hundred and seventy-five.

Whereas the said John C. Conrad has been duly appointed a notary public in and for the commonwealth of Pennsylvania, to reside in the borough of Tamaqua, in said county of Schuylkill, by commission from the governor of this commonwealth, bearing date the ninth day of June, one thousand eight hundred and seventy-five, to hold the said office for three years, from the ninth day of June, one thousand eight hundred and seventy-five:

Now, the condition of the said obligation is such, that if the said John C. Conrad, appointed and commissioned notary public as aforesaid, shall and does well and truly and faithfully in all things execute and perform the duties of the said office of notary public according to the several acts of assembly relating thereto, and shall well and faithfully account for and pay over into the State treasury, all public money or taxes which he shall become liable to pay to the commonwealth, or which shall come into his hands from time to time during his continuance in the said office, and also shall, when thereunto lawfully required, deliver up the register, records, and other public papers to the said office belonging whole, safe, and undefaced into the office of the recorder of deeds for the said county of Schuylkill, as required by law, then this obligation to be void; or else to be and remain in full force and virtue.

JOHN C. CONRAD.
MICHAEL BEARD.
N. SEITZINGER.

Sealed and delivered in the presence of us—
W. GRIGOR PHILLIPS.
JACOB KLINE.

Recorded and examined June 14, 1875.

J. J. WEBER, *Recorder.*

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, John C. Conrad, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay and contribute, either directly or indirectly, any money or valuable thing to procure my nomination or appointment except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election-law of this commonwealth or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law: So help me God.

JOHN C. CONRAD.

Sworn and subscribed before me this fourteenth day of June, A. D. 1875.

J. J. WEBER, *Recorder*,
Per M. J. DUFFY.

Recorded and examined June 14, 1875.

J. J. WEBER, *Recorder*.

SCHUYLKILL COUNTY, *ss:*

I, Adam Hartwig, recorder of deeds, &c., in and for said county, do certify that the writing contained on the foregoing five pages of this paper is a true and correct copy of the commission, bond, and oath of office of John C. Conrad, notary public, so full and entire as the same now remains of record in this office, in commission-book No. 8, page 462, &c.

Witness my hand and official seal, at Pottsville, this 10th day of February, A. D. 1877.

ADAM HARTWIG, *Recorder*.

EXHIBIT M M M.—*H. K. Weston, Notary Public.*

Before the judge of the district court of the United States for the eastern district of Pennsylvania.

FEBRUARY 9, 1877.

In the matter of the contested election in the thirteenth Congressional district of Pennsylvania for a seat to represent said district in the House of Representatives of the United States of America in the Forty-fifth Congress, wherein James L. Nutting is the contestant and James B. Reilly the returned member.

The petition of the said James L Nutting praying an order upon parties having custody of certain ballot-boxes and their contents for the production of the same before John P. Hobart, esq., register in bankruptcy, taking testimony respecting the contested election, that the ballots may be examined, &c.

Are presented by James H. Campbell and George Bull, esqs., attorneys and counsel for the said James L. Nutting.

Whereupon, after hearing the said counsel, an opinion of the said judge was delivered in the words following:

"The Revised Statutes (sections 110 and 123), on which the petitioner relies, give no cognizance of the subject of the petition to a judge of any court of the United States unless the judge resides within the Congressional district in which the contested election was held. I do not reside in that district. The proceedings in question are before a register in bankruptcy residing within the Congressional district, who, at the foot of a similar petition addressed to him, refers it to me. This reference was, I think, entirely unauthorized. It gives me no derivative cognizance of the subject.

"The act of Congress enables a judge of any court of the United States, or any chancellor, judge, or justice of a court of record of the State, any mayor, recorder, or any intendant of a town or city, any register in bankruptcy or notary public, to act upon the contestant's application, if such officer resides within the Congressional district. But where such an application is to a register in bankruptcy, he is not amenable to the supervision of the court of bankruptcy, and this court cannot aid him in the exercise of his functions. I have no more jurisdiction than if the proceedings were before a notary public or a judge of a court of the State.

"I therefore decline to act under the petition addressed to me directly, or under the register's reference of the petition addressed to him.

"Through a clerical error, which I consider as amended, the petition was addressed to me as judge of the circuit court, instead of as district judge.

"JOHN CADWALADER,
"*Judge.*"

True copy of the original on record in the clerk's office of the district court of the United States.
February 9, 1877.
[SEAL.]

AARON S. SWARTZ,
Pro. Clerk United States District Court.

EXHIBIT N N N.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *February* 12, 1877.

SIR: Owing to the manner in which the cross-examination of the witnesses I produced for examination, under and in pursuance of the several notices heretofore served upon you, were conducted, in many instances, the same having been unnecessarily extended, I was not able to have all my testimony presented nor all my witnesses examined, as I was entitled to have; there remaining between two and three hundred of the witnesses which I had summoned yet to examine.

And also, owing to the refusal of the custodian thereof to produce the ballot-box of South Cass election district, I have been unable to have the same opened and examined, as I have a right to have, for the purpose of proving for whom seventy-two illegal voters had cast their ballots in the election held on the seventh day of November, 1876, for Representative in Congress from the said thirteenth district of Pennsylvania in the Forty-fifth Congress, whether for me or for you; I hereby claiming and asserting that, upon the production of such box and the

examination of such ballots so illegally cast, it would have been shown that such illegal ballots were cast for you.

I therefore notify you that I shall apply to the House of Representatives of the Forty-fifth Congress for further time to take testimony in the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States, in which I am contestant and you are respondent.

J. L. NUTTING.

To Hon. JAMES B. REILLY.

SCHUYLKILL COUNTY, *ss:*

On the 12th day of February, A. D. 1877, before me, the subscribed, a notary public in and for said county, personally came James H. C. Geer, who, being duly sworn, says that on Monday, the 12th day of February, 1877, he served the within and foregoing notice on Hon. James B. Reilly, the respondent therein named, by giving a copy thereof to A. W. Schalk, esq., his attorney, at the borough of Pottsville, Pennsylvania, and leaving said copy in his possession.

JAMES H. C. GEER.

Sworn and subscribed before me February 12, 1877.

SETH W. GEER, *Notary Public.*

EXHIBIT O O O.—*H. K. Weston, Notary Public.*

To the honorable the judges of the court of common pleas of Schuylkill County, Pennsylvania:

The petition of James L. Nutting, of the county of Schuylkill aforesaid, respectfully represents that, your petitioner and James B. Reilly, of said county, were voted for for Representative from the thirteenth Congressional district of Pennsylvania, composed of the said county of Schuylkill, to the House of Representatives of the United States for the Forty-fifth Congress, at the election held on the 7th day of November, A. D. 1876.

That, in pursuance of said election, the said James B. Reilly was returned as having received ten thousand one hundred and seven (10,107) votes, and your petitioner as having received ten thousand and twenty-six (10,026) votes, making a majority in favor of said Reilly of eighty-one (81) votes; and the said Reilly was, in pursuance thereof, returned as Representative to said House of Representatives elect.

That your petitioner has since said election, to wit, on the 6th day of December, A. D. 1876, served, or caused to be served, upon the said Reilly a notice of your petitioner's intention to contest his, said Reilly's, election, by which he was returned as the Representative from said thirteenth Congressional district of Pennsylvania as aforesaid, and that he, your petitioner, would proceed under the provisions of the act of Congress of the United States entitled "An act to prescribe the mode of obtaining evidence in cases of contested elections," approved February 19, 1851, and under the provisions of the Constitution and all other acts of Congress relative to contested-election cases.

That by the acts of Congress aforesaid your petitioner is limited in the time in which to take his testimony to forty days, which time will expire on Monday next, the 12th day of February, 1877. That it appears, by the testimony taken in the matter on the part of the petitioner, that one hundred and upward votes or ballots were cast or voted at

said election by persons not qualified electors, which votes or ballots had been cast for said Reilly, taken and counted in the returns of said election for the said Reilly for the said office of Representative in Congress as aforesaid, more than sufficient to change the result of the said election, and more than sufficient to entitle your petitioner to the said office of Representative in the Forty-fifth Congress aforesaid.

That many of the voters, who have testified and proven by their own testimony that they voted illegally, that they were not qualified voters, are unable to tell for whom they voted for for Representative as aforesaid, whether for the said Reilly or for your petitioner; and your petitioner avers that they voted for the said Reilly, and that an examination of the ballots cast by such illegal voters will show that they so voted for said Reilly.

Your petitioner further represents that he has appointed John P. Hobert, esq., register in bankruptcy within said thirteenth Congressional district, to take testimony in the borough of Pottsville, within said county, and that he has consented to act and take such testimony.

Your petitioner therefore prays your honorable court to order and direct the ballot-boxes of the several election-districts of the said county to be produced before the said Hobert, or such other person as the court may deem proper; that the ballots of such illegal voters, who cannot testify for whom they voted for for Representative as aforesaid, may be examined, and proof thereof made according to law.

And he will ever pray, &c.

SCHUYLKILL COUNTY, *ss:*

James L. Nutting, the petitioner within named, being duly sworn, says that the facts set forth in the foregoing petition are true, to the best of his knowledge and belief.

J. L. NUTTING.

Subscribed and sworn to before me this 5th day of February, 1877.

MORGAN REED, *Justice of the Peace.*

In the matter of the petition of James L. Nutting, presented February 5, 1877, to order the opening of the ballot-boxes.

And now, February 7, 1877, the court at this stage of the proceedings decline to make an order at present, such as is asked for in the petition, as premature, but without prejudice as to any future application at a later stage of the proceedings.

By the court.

THOS. F. KERNS, *Prothonotary.*

In the matter of the subpœnas issued by Seth W. Geer, esq., to the parties having possession of the same, to produce before him the boxes containing the ballots cast for members of Congress, at the last election held on November 7, 1876.

And now, February 12, 1877, the court having heretofore directed that the ballot-boxes for the legislative district of Schuylkill County, in which contests exist, should remain in the custody of the parties designated by the act of assembly, till otherwise ordered, it is now ordered that all ballot-boxes produced in pursuance of subpœnas issued by Seth W. Geer, commissioner as aforesaid, be placed in the vault of the office of the prothonotary; and that if the said commissioner determines that said boxes shall be opened, and the ballots cast for members of Congress examined, that, inasmuch as members of Congress and the State leg-

islature are voted for upon a single slip or ticket, the said ballot-boxes shall be opened, and the ballots for member of Congress examined in the presence of the court, or one of the judges of the court, or one of its officers appointed for that purpose.

By the court.

THOS. F. KERNS, *Prothonotary.*

PENNSYLVANIA, *Schuylkill County, ss:*

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, Pennsylvania, do hereby certify that the foregoing petition of James L. Nutting, and the order of court annexed thereto, are true and correct copies of said petition and order of court on record and on file in aforesaid court.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Pottsville, this twenty-fourth day of February, A. D. one thousand eight hundred and seventy-seven.

[SEAL.] THOS. F. KERNS, *Prothonotary.*

EXHIBIT P P P.—*H. K. Weston, Notary Public.*

THE UNITED STATES OF AMERICA,

The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Peter W. Kiefaber, John Donnelly, James Donaldson, John Jarvis, John Mootz, Austin Bradshaw, James Nolan, Patrick Flannery, Peter Joyce, Thomas Smith, William Smith, Patrick Brennan, John Leonard, Patrick Cuff, Thomas Kelly, Michael Canfield, John Cummings, James Dixon, William Harkins, Bryan McAvoy, James Murphy, Michael Noon, Martin Hobin, Patrick Lenahan, Dennis Carduff, Anthony Crane, Peter Mottz, Patrick Dane, Patrick Deane, Patrick Deane, John Walsh, Anthony Coyle, John M. Delany, Thomas McGuire, Andrew Deane, Patrick Noon, Michael McGrath, Patrick McGrath, Michael Malley, John Cummings, Anthony Dixon, Edward Purcell, Michael Mack, Anthony McLaughlin, Terrance McGuire, Edward Houston, James Castello, Thomas B. McLaughlin, Thomas Burns, Michael O'Malley, Thomas McLaughlin, Anthony McEntyre, Patrick McLaughlin, Martin Gilroy, Michael Munley, Patrick McDonald, John Dunleary, John Burke, John Lynch, Anthony Dunleary, Anthony O'Donnell, Patrick Furguson, Michael O'Neil, John Burke, Michael Dane, James Hereghty, Anthony Dane, Edward Munley, Patrick Kilkar, Michael Coyne, John O'Donnell, Michael Noon, John Donnelly, Peter Gilroy, Thomas Flannery, Michael Noon, Frank Garvey, James Kelly, Michael O'Boyle, Edward Hereghty, John Kelly, John Miles, Thomas Murphy, John Purcell, Pat. Monaghan, Michael O'Boyle, Michael Burns, James Monaghan, James Groody, Pat. Tobin, Martin Dixon, Pat. Dixon, Michael Groody, Pat. Harney, Michael McGrath, Luke Brennan, Richard Murphy, Dennis Brennan, Richard Murphy, Luke Brennan, Thomas Dixon, Owen Clark, Edward Burke, James Dixon, Patrick Carey, Michael Lavin, James Cosgrove, Michael Mullowney, PatrickMooney, Martin Burns, Henry Cooke, Pat. McClain, Thomas Gaughan, William McLaughlin, Thomas Noon, Pat. Walsh, Pat. Gallagher, Thomas Castello, Richard Golden, John Brennan, Michael Carduff, John Flanigan, Michael Gilroy, Edward Gilroy, Anthony Flannery, Michael McGuire, James Hobin, Anthony Hobin, Michael Murphy:

You are hereby required and commanded, that laying aside all business and excuses, whatsoever, you be and appear before me the sub-

scriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of Mrs. M. J. Deach, in the borough of Shenandoah, in said county, on Thursday the 18th day of January, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America, for the thirteenth Congressional district of Pennsylvania, between James B. Reilly returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said contestant.

And you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax receipts for the years 1875 and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit, under the penalty of twenty dollars and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 10th day of January, A. D. 1877.

EXHIBIT Q Q Q.—*H. K. Weston, Notary Public.*

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To F. D. E. Mack, John Reardon, Christopher Grogan, James O'Brien, William Ready, Patrick McConnell, John Barrett, Philip Erwin, Bryon Heffron, John Conlin, Thomas Francis, A. J. Pepper, Thomas Horan, Michael Mullin, jr., Michael Brown, Patrick Brown, Patrick Roach, Patrick Padden, Michael Haley, John Ginley, Edward O'Neal, Martin O'Neal, James O'Neal, James Sweeney, Patrick Flannery, Anthony Murphy, James O'Neil, Edward Mary, Charles Grogan, Michael Nolan, Andrew Gallagher, William Goff, Con Sullivan, Patrick Houston, Patrick Feeney, Thomas Feeney, Patrick Barrett, Anthony Carey, Michael Munley, Anthony King, James Conroy, Owen McClaim, Patrick Cummings, James Rollind, Lawrence Casey, Timothy Brennan, James Lynch, Owen Cannen, Harry Conners, Patrick McCormick, Martin Barrett, Patrick Sweeney, Patrick Loftus, Lawrence Heffron, Martin McHugh, John Casey, Patrick Gannon, Michael Ginley, Thomas Cavanaugh, Montgomery Shannon, Michael P. Lenahan, Thomas McGrath, Patrick Mullin, Thomas Murphy, William Smith, Thomas Herrick, Malachi Farrell, William Smith, John C. Murray, J. J. Moyer, John Gannon, Cornelius Sullivan, Philip Haggarty, John Gallagher, J. H. Davidson, Napoleon Thomas, Bryan Monoghan, Thomas Frainey, Edward Gorman, John Myer, James Mullarkey, Thomas Heffron, Thomas Tallet, Andrew Haley, John McDonnell, Edward Barrett, Thomas Rielly, Thomas Frainey, Bryan Monaghan, Anthony Monaghan, Martin Gill, Michael McAndrew, Patrick Conroy, Thomas Joyce, Lawrence Gaughan, Owen Dougherty, Patrick McGeever, Dennis Devers:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of Charles Culp, in the borough of Ashland, in said county, on Tuesday, the 23d day of January, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America, for

the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said contestant; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax receipts for the years 1875 and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit, under the penalty of twenty dollars and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 12th day of January, A. D. 1877.

EXHIBIT R R R.—*H. K. Weston, Notary Public.*

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Michael McGrath, Patrick McGrath, Michael Malley, John Cummings, Anthony Dixon, Edward Purcell, Michael Mack, Anthony McLaughlin, Terance McGuire, Edward Houston, James Castello, Thomas B. McLaughlin, Thomas Burns, Michael O'Maley, Thomas McLaughlin, Anthony McEntyre, Patrick McLaughlin, Martin Gilroy, Michael Munley, Patrick McDonald, John Dunleavy, John Burk, John Lynch, Anthony Dunleavy, Anthony O'Donnell, Patrick Ferguson, Michael O'Neil, John Burke, Michael Dane, James Hereghty, Anthony Dane, Edward Munley, Patrick Kilkar, Michael Coyne, John O'Donnell, Michael Noon, John Donnelly, Peter Gilroy, Thomas Flannery, Michael Noon, Frank Garvey, James Kelly, Michael O'Boyle, Edward Hereghty, John Kelly, John Miles, Thomas Murphy, John Purcell, Pat. Monaghan, Michael O'Boyle, Michael Burns, James Monaghan, James Groody, Martin Dixon, Pat. Dixon, Michael Groody, Pat. Tobin, Pat. Harnen, Michael McGrath, Luke Brennan, Richard Murphy, Dennis Brennan, Thomas Dixon, Owen Clark, Edward Burke, James Dixon, Pat. Carey, Michael Lavin, James Cosgrove, Michael Mullowney, Patrick Mooney, Martin Burns, Henry Cook, Pat. McClain, Thomas Ganghan, William McLaughlin, Thomas Noon, Pat. Walsh, Pat. Gallaghan, Thomas Costello, Richard Golden, John Brennan, Michael Cardduff, John Flanigan, Michael Gilroy, Edward Gilroy, Anthony Flannery, Michael McGuire, James Hobin, Anthony Hobin, Michael Monaghan, Hugh Cafferty, Patrick Dean, Anthony Dunleavy, Richard Murphy, Patrick McDonnell, Terence Dean, Patrick Deane, John Walsh, Patrick Deane, Bryan Farrell, Thomas Keating, Jerry Curran, Michael Ryan, Thomas Brennan, Andrew O'Boyle, Peter Mootz, John Burke, Daniel Sweeney, James McDonough, George Tobin, William Thornton, Patrick Toole, John Cochlin, Michael Needham, John Tracy, Patrick Campbell, Thomas Cavanaugh, Anthony Flynn, John O'Tolle, John Kelly, Francis Carr, James Keane, Austin McGreal, Joseph Walsh, Peter Kozakewicz, Julian Czienski, Alexander Czienski, Dominick Szymanskie, Anthony Burke, Patrick Ward, Michael Conoly, Patrick Stack, Jerry Conohan, William Kelly, John O'Herron, Thomas Casey, Michael Oconner, John Fitzgerald, John Wilcolm, Charles Zuncs, Thomas Needham, James Dowdy, Patrick Gaffigan, Patrick Gibbons, Patrick McAtee, James Mullin, Michael Cantlin, Patrick Hendricks, Peter Kirls, Patrick Stanton, Charles C. Boczokowskie, Michael Deane, Neil O'Donnell, William J. Richards, John Richards John W. Thirlwill, Thomas F. Conners:

You are hereby required and commanded, that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public, in and for said county of Schuylkill, or some other person duly qualified, at the public house of Mrs. M. J. Deitz, in the borough of Shenandoah, in said county, on Thursday, February 1st, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America, for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the forty-fifth Congress, and James L. Nutting, contestant, on behalf of said contestant; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1875 and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 23d day of January, A. D. 1877.

EXHIBIT S S S.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the forty-fifth Congress.

And now, to wit, February 12, 1877, the incumbent excepts and objects to all of the foregoing testimony, alleged to have been taken by Hiram K. Weston, esq., a notary public in and for Schuylkill County, Pennsylvania, for the following reasons:

1. To all that portion of said testimony that is not confined to the allegations set forth in contestant's notice of his intention to contest said election.

2. That the foregoing testimony is not a full and true record of the testimony given by the various witnesses, sworn by said alleged commissioner, a great portion thereof being the language of the commissioner, or his amanuensis, proof of which incumbent claims right to make.

3. That said testimony was not taken in compliance with the provisions of the act of Congress in such case made and provided, in that the officer taking said testimony did not cause the testimony of the various witnesses, together with the questions proposed by the contestant or his attorneys, to be reduced to writing in his presence.

JAMES B. REILLY.
By his attorney, A. W. SCHALCK.

4. That said testimony was not read over to witnesses by the commissioner before the same was signed by each of them respectively, when the witnesses required it to be read.

JAMES B. REILLY.
By his attorney, JOHN D. CLARKE.

EXHIBIT T T T.—*H. K. Weston, Notary Public.*

Counsel for incumbent objects to the several offers and propositions of alleged certificates as evidence in this cause, because the same do not

come within and are not covered by the several specifications contained in the contestant's notice to incumbent of his intention to contest his seat, or any of them; also, because no notice of the contestant's intention to offer or introduce them as evidence was given to incumbent or any of his counsel, and they have had no opportunity to examine said alleged certificates nor the original documents, or to judge of their correctness and of their sufficiency, and their relevancy to the issue.

The offers being made at this late hour (between fifteen or twenty minutes of the expiration of contestant's time to take testimony), it is impossible in this hurry to comprehend or digest these propositions, or to judge of the sufficiency and relevancy of the various and numerous lengthy documents offered.

To be as clear and specific as now possible, incumbent's counsel now objects specifically:

1. "The general certificate of result" is irrelevant, and only an extract of the paper or document on file.

2. The so-called "tabular statement" is also irrelevant, and there is no such paper as now presented on record.

3–21. The several lists of voters of the townships and districts therein named are irrelevant, and no part of the case. No testimony has been given touching them; neither can they throw any light upon the question at issue; and the purpose of this offer is obscure and not stated.

22–40. The several copies of returns of alleged unpaid taxes of the townships and districts therein named are also irrelevant, and no purpose in offering them being stated, have no connection with the testimony.

They are also incompetent and not evidence to impeach the validity of the various tax-receipts produced by the witnesses on the stand. The genuineness of the receipts was not impeached in a single instance, nor was there in the cases where the witnesses themselves could not positively swear to having personally paid their taxes, any evidence to contradict or impeach the legal conclusion that the receipts being produced the taxes must have been paid to the collector by some one; though in a large number of cases the tax-collectors themselves had been subpœned by the contestant and were in attendance several days, but were not called on the stand by the contestant's counsel. These returns may be good evidence as between the county and the respective collectors, concerning the exonerations thereby obtained, but cannot incidentally or indirectly be used to destroy or impeach the validity of the tax-collector's receipt in the hands of the citizens and to destroy their votes. They are entirely "*res inter alios acta.*"

Specific objections are also made to—

28. Kline Township returns for 1874—there being no affidavit attached to it, and the return being made by a person not the collector (who had absconded), and based upon still another man's report.

29. Kline Township return for 1875; there being no affidavit and no date to the return, and no name of any one purporting to have made any such a return.

30. Kline Township return for 1876 was not sworn to by the collector or any other person.

39. Rahn Township return for 1875 was not sworn to by any one, nor signed or vouched; and is, according to the certificate attached thereto, not a full record.

41. The record of the proceedings to divide Mahanoy Township is irrelevant and immaterial to the issue.

42. The several petitions of Mr. Nutting can have no relevancy or

bearing upon the issue in the cause, and are *ex parte* statements and not official documents.

48. Judge Cadwalader's opinion refusing Mr. Nutting's application is irrelevant, and can throw no light on the questions involved in this contest under the notice and answer of the parties thereto.

49. The notice from contestant of his intention to apply for an extension of time is gratuitous and can form no part of this record; and the allegations therein contained are emphatically denied by incumbent's counsel.

50. The several orders of the courts of Schuylkill County are irrelevant, and can throw no light upon the issue in this cause. If intended to support contestant's allegation or insinuation of an improper interference by said court with his proceedings, it would seem to amount to an insult to a court of record of the State.

The proposition to offer in evidence certain ballots in the ballot-box of South Cass election-district, which ballots themselves are admitted not to be in the presence, or capable of inspection or examination by the commissioner and of counsel of incumbent, and which it is not even pretended would show votes cast for incumbent, is on its face so clearly illegal and absurd as to require no further reply.

The averments as to the alleged conduct of William M. Hale are gratuitous in this cause, and entirely unsupported by any evidence or *ex parte* affidavit; neither is there any proof of service of subpœna on him, so that the sufficiency of such service (if any) can be judged of.

The proposition to offer in evidence the ballots in the ballot-boxes of the various election-districts therein stated, which are admitted to be unopened, and the ballots therefore incapable of inspection and examination, is on a par with the preceding offer, and may be likewise summarily dismissed. The allegations and insinuations contained in said offer in reference to the court and to incumbent's counsel are entirely gratuitous; and if any prejudice has arisen in the premises to the contestant (which, however, is not alleged), it is the fault of his own counsel, in not taking the proper steps, and securing the order he desired in due time.

J. W. SCHACK,
JNO. A. NASH,
Attorneys for Incumbent.

EXHIBIT U U U.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

And now, to wit, February 12, A. D. 1877, in reply to the objections of incumbent's counsel filed, contestant replies as follows:

1. Contestant avers that the testimony taken before said Hiram K. Weston, esq., as to the questions and answers of the witnesses in chief, is confined to the allegations set forth in contestant's notice of his intention to contest said election, but that incumbent's counsel in many instances improperly cross-examined witnesses upon matters irrelevant, extraneous, and outside of the matter in contest, and not in proper cross-examination of the witnesses, notwithstanding the objections and protests of contestant's counsel made at the time.

2. The contestant denies the allegations that the testimony as recorded is not a full and true record of the testimony given by the several wit-

nesses sworn by said Weston, and denies that any portion thereof is the language of an amanuensis or of the clerk of said Weston who recorded the testimony.

On the contrary, the contestant avers that the testimony returned is a full and true record of the testimony as given by all the witnesses sworn by said Weston and examined before him and in the presence of incumbent's counsel, and that no portion thereof is the language of the said Weston or his clerk.

And contestant further avers that at no time during the examination of the witnesses did the incumbent or his counsel object to the manner of the taking and recording of the testimony as given by the witnesses, and the filing of said objections at or after the closing of the testimony at this place, Pottsville, is the first notice contestant has of any such objections.

3. The contestant denies that the "testimony was not taken in compliance of the act of Congress in such case made and provided," and avers that it was taken in full compliance with the provisions of the act or acts of Congress relating to contested elections. That all and every question was reduced to writing whenever required by the incumbent or his counsel, as well as all questions that were objected to.

That if the acts of Congress be so construed as to make it incumbent on the commissioner to reduce each specific question to writing, then the objections should have been made during the taking of the testimony; and having failed to do so, he has therefore waived his right to question the acts of the commissioner in this respect by his silence and acquiescence, and by adopting the same course in the cross-examination of the witnesses. To allow such a mere technical objection to be considered at this time and under these circumstances would not only be illegal, but also unjust and unfair to the contestant.

4. The contestant denies that the testimony was not read over to the witnesses before signing, and avers that it was so read to each witness whenever desired, and that in all cases each answer was read to the witness immediately after the answer was written down, and before a new answer was given by the witness.

WM. R. SMITH,
Counsel for Contestant.

EXHIBIT V V V.—*H. K. Weston, Notary Public.*

Return of county and State taxes for Cass Township for the year 1874, *by James O'Malley, collector.*

	County.	State.
Adams, James, poor		$0 75
Adams, Patk., jr., left		1 50
Adams, Richd., left		75
Arns, Daniel, left		75
Adams, Patk., sr., old		25
Adams, James, jr., left		1 50
Brennan, Edw. E. left		1 50
Boyle, John, left		75
Buchanan, Wm., poor		75
Breen, James, left		1 50
Breen, James, double		1 50
Britt, Patk., left		75
Boyle, Patk., left		75
Brennan, Wm., Rush, left		1 50

Brennan, Thos., left	1	50	
Berrijan, James, left	1	50	
Brennan, Thos. I., left	1	50	
Brophy, Edw., left	1	50	
Brennan, James, left	1	50	
Brennan, Martin, left	1	50	
Brennan, Martin, left	1	50	
Brennan, John, Rush, left		75	
Brennan, Michl., Row, poor		25	
Beddenger, Philip, poor		25	
Brennan, Wm. Martin, poor		75	
Briggs, Thos., left	1	50	
Brennan, Patk., left		25	
Brennan, Thos., left	1	60	$0 06
Brennan, Jno., left	1	50	
Boyle, Ewd., exonerated	1	50	
Brennan, Daniel	1	60	06
Brennan, Thos., old		50	
Buggy, Patk., poor	1	50	
Bowers, Wm., cripple		25	
Brown, John, exonerated		75	
Brett, Wm., old		25	
Brennan, Timothy, left	1	50	
Burns, Michael, left	1	50	
Bradley, James, left		75	
Burk, John, old		25	
Buchanan, James, left		75	
Breen, Patk., blind		25	
Breen, John, dead		25	
Beddon, Geo., cripple		75	
Burns, James, old		25	
Butler, Thos., old		25	
Belaw, John, left		75	
Burke, George, left	1	50	
Brennan, Patk., White, left		75	
Brennan, Michael, left	1	50	
Brennan, Mich., Big, left	1	60	06
Brennan, Timothy, left	1	50	
Breen, Wm., old		25	
Breen, John, jr, left	1	50	
Brudge, Frank, left		75	
Brennan, Martin, double	1	50	
Barney, Patk., left	1	50	
Beddinger, Peter, poor	1	50	
Brennan, James, poor	1	50	
Beddinger, Philip, jr., left	1	50	
Bancon, Michael, jr., left	1	50	
Bergan, Patk., left	1	50	
Brennan, Patk. H., left	1	50	
Butler, Lawrence, not of age		75	
Bradley, John, left	1	50	
Bell, Richd., poor		75	
Berrigan, Wm., left	1	50	
Caslow, Thos., old		25	
Cochlin, Jno., old		25	
Curran, Jno., left		75	
Chancey, Martin, old		50	

Carroll, Charles, left	1	50	
Cavanaugh, Martin, poor	1	27	
Carney, Martin, old		35	06
Cline, Martin, old		25	
Conville, Thos., old		85	06
Colo, Mathew, left		75	
Close, Patrick, poor	1	50	
Callaghan, Bart., poor		75	
Carrol, Anthony, poor		35	06
Coyle, Patk., blind		13	
Chansey, Patk., poor		25	
Curran, John, poor	1	50	
Caudy, Corrigan, poor		75	
Colgan, Martin, poor		25	
Comford, Michael, poor		25	
Conville, Patk	1	50	
Campion, Jere, 2d, poor		75	
Conry, James, old		35	06
Clark, James, old		25	
Cook, Wm., old		35	06
Carroll, Anthony, left	1	50	
Curran, Jerry, left	1	50	
Canfield, Richd., poor	1	50	
Coogan, Patk., jr., poor	1	50	
Coogan, Patk., sr., poor		50	
Cree, Patk., poor		75	
Conners, Michael, poor	1	50	
Close, Thomas, poor		75	
Curran, James, poor	1	50	
Clansey, Thos., poor	1	50	
Clansey, Edw., poor		75	
Clansey, James, poor		75	
Condron, Wm., poor		75	
Cavanaugh, James, poor	1	50	
Curran, John, poor	1	50	
Cahill, Martin, poor	1	60	06
Cahill, Dennis, left		75	
Curran, Patk., poor		25	
Crennan, Lawrence, poor		75	
Conners, Thos., poor		75	
Cain, Thos., poor		75	
Curran, John, cripple	1	50	
Campion, Laughlin, poor	1	50	
Carey, James, poor		25	
Campion, Richard, poor		75	
Cahill, Patrick, poor	1	50	
Canfield, Thos., left		75	
Coler, Thos., poor		25	
Canfield, Patrick, poor		75	
Cosgrove, Wm., poor		75	
Cavanaugh, Patrick, poor	0	75	
Carroll, Thos., poor		75	
Conners, James jr., left	1	50	
Coler, Daniel, poor		75	
Creaney, Patk., poor	1	50	
Callin, James, poor		75	

Campion, Laughlin, poor	1 50	
Canfield, Thomas, poor	1 50	
Carey, John, not of age	75	
Creenan, Wm., poor	25	
Carroll, John, left	1 50	
Cahill, Michael, left	75	
Delaney, Kyran, left	85	06
Deegaw, Martin, left	75	
Dormer, John, left	1 50	
Doebin, Goodman	25	15
Daley, Wm., poor	1 60	06
Dormer, Michl., poor	1 50	
Dunlery, Patk., poor	25	
Doyle, Thos., poor	1 60	06
Daff, Joseph, poor	85	06
Dormer, Wm., blind	13	
Davis, John, poor	1 50	
Dormer, Thos., blind	50	
Daley, Michael, poor	75	
Dormer, Michael, poor	75	
Donnelly, Charles, poor	1 50	
Delaney, Lag., poor	1 50	
Drennan, Andrew, poor	75	
Daniel, James, poor	75	
Dixon, Clark, poor	1 50	
Delaney, Edwd., poor	75	
Duffy, Michael, left	75	
Dougherty, Patk., poor	1 50	
Dealey, Philip, poor	75	
Deagan, Michael, poor	75	
Doran, Wm., poor	85	06
Dewin, Michael, exonerated	75	
Duff, John, poor	75	
Durkin, Danl., poor	75	
Doebin, John, poor	1 50	
Davis, Thos., poor	1 50	
Daniel, W. J., poor	75	
Davis, Dans. F., poor	1 50	
Delaney, Michael, poor	75	
Dolan, Thos., poor	75	
Evans, Evan, poor	50	
Evans, David, poor	1 50	
Eyon, Thomas, poor	1 50	
Ecock, Henry, old	25	
Evans, Evan, poor	1 50	
Ford, Patrick, poor	75	
Farrell, Martin, poor	25	
Farrell, Thos. W., poor	75	
Fitzpatrick, Thos., poor	75	
Fadden, James, poor	25	
Fulton, David, left	1 50	
Feeney, Michael, poor	25	
Farrell, John F., poor	1 50	
Foley, Andy, poor	75	
Franey, Michael, poor	75	
Fennell, Thos., poor	1 50	

Fidilica, Delor, poor		85	06
Fadden, John, poor		75	
Foley, Edwd., poor	1	50	
Flynn, Thos., poor		75	
Foley, John, poor		75	
Fogarty, James, poor	1	50	
Feeney, Michael, jr., poor		25	
Fitzpatrick, John, poor		50	
Garvin, Michael, poor		07	05
Gordon, Wm, exonerated		60	06
Gibbons, Thos., poor	1	50	
Gallagher, Frank, poor		25	
Grace, James, poor	1	50	
Grace, John, poor	1	50	
Gilgore, Robert, poor		25	
Gleason, Edward, poor		75	
Grace, Martin, poor	1	50	
Garvin, Joseph, poor		50	
Garretty, Michael, poor		75	
Gray, Alex., poor		75	
Gallagher, Robert, poor		25	
Helman, August, left	1	50	
Horan, Humphrey, poor		75	
Henry, Richard, poor		75	
Howell, Benj., exonerated		85	06
Hobin, Michael, poor	1	50	
Hughes, James, poor	1	50	
Hunt, Arthur, poor	1	50	
Hughes, Richd., poor	1	60	06
Hollahan, James, poor		75	
Hughes, John, poor	1	50	
Hughes, John, poor	1	50	
Hoffman, Thos., poor	1	50	
Hobin, John, poor	1	50	
Haggerty, Patk., poor		25	
Hughes, John, poor	1	50	
Hannon, Thos, poor		75	
Horan, Michael, poor		25	
Horan, John, poor		75	
Horan, John, poor		75	
Hart, Patrick, poor		75	
Higgins, John, poor	1	50	
Hastings, John, poor	1	50	
Hennessy, Jas., left		25	
Howell, George, poor	1	50	
Hogan, John, poor	1	50	
Hart, Michael, poor		25	
Healy, Patk., poor		85	06
Henderson, Peter, not of age	1	50	
Hunk, John, poor		75	
Jenkins, Wm., poor		75	
Jenkins, Abrm., poor	1	50	
Jones, John P., poor	1	60	16
James, Thos. G., poor	1	50	
Kenneday, Thos., poor	1	50	
Kelly, Patk., poor		75	

Kenwick, Simon, poor	1	50	
Kelly, Lawrence, poor		75	
Kelly, Mathew, poor		85	06
Kelly, John, sr., poor	1	50	
Killikillian, James, poor		75	
Kelly, John, poor		50	
Kendrick, Wm., poor	1	50	
Kelly, John, poor		25	
Kelly, Mark, poor	$0	25	
Keenan, Frank, poor		75	
Keely, James, poor		85	06
Kearney, Martin, double		35	06
Keely, Michael, poor		75.	
Kealing, Thomas, poor		75	
Kealing, Michael, poor	1	50	
Kearg, James, poor		25	
Kealy, Edward, poor	1	50	
Leane, Stephen, poor		75	
Lawler, Jno., poor		25	
Lynch, James, poor	1	50	
Loftus, Michael, left		35	06
Lewis, Frank, poor	1	50	
Langton, Patrick, poor		25	
Lynch, James, poor	1	50	
Lawler, Patk, poor		25	
Lawler Jno., poor		75	
Lynch, Wm., poor		25	
Lavry, Cornelius, poor		75	
Lyback, Nicholas, poor		25	
Langton, Mart, poor		75	
Lafferty, Peter, poor		25	
Laffey, Michael, not of age		75	
Leonard, Walter, poor	1	50	
Lipsey, Jno., poor		75	
Langton, Patt, old		25	
Leary, Andrew, poor		75	
Leary, James, poor	1	50	
Lloyd, David F., poor	1	50	
Lee, Michael, poor		25	
McDonald, Joseph, double		75	
McDonald, John, poor		75	
McHall, Anthony, poor		75	
Mahoney, Michael, poor		75	
McCaler, Wm., poor	1	50	
Moore, Patrick, poor		75	
McDonald, Charles, poor		75	
McHalley, Anthony, poor	1	25	
McCormick, Owen, poor		25	
McGuire, Patk., poor		75	
Mulhall, Patk, poor		85	06
McDonald, Patk., poor	1	50	
McAvoy, Michael, poor		25	
McAvoy, William, poor		25	
McGurl, Michael, poor		30	
McAvoy, Thos., poor	1	50	
Murphy, James, poor	1	50	

McAvoy, Martin, poor	1	50	
Murphy, John, poor	1	50	
McKeon, John, poor		75	
Mahoney, Dennis, poor		75	
McGrath, Nicholas, left		25	
Murray, Thomas, dead		25	
Madden, Wm., poor		75	
Murphy, Patk., poor	1	60	06
Madden, James, poor		75	
Moore, Wm., poor	1	50	
Murry, Thomas, by double	1	50	
Marelius, John, poor		25	
McDonald, Michael, poor		75	
McMurtrie, Wm., poor		75	
Maley, Wm., poor	1	05	18
Mapstone, Wm., poor	$1	50	
Memorauk, Fred, poor	1	60	06
McFadden, Hugh, poor		25	
Mealey, Michael, poor		75	
Molly, Jacob, poor		25	
Morgan, Vaughn, poor		75	
McDonald, Patrick, poor		25	
Muldoone, Martin, poor		75	
Maley, John, poor		59	
McMurtrie, Hugh, poor		25	
Moore, James, poor	1	50	
Morgan, John, poor	1	50	
MuHugh, Daniel, poor		50	
Morgan, John, poor	1	50	
McMurtrie, poor		75	
McAvoy, Peter, poor	1	50	
Mangan, John, poor		75	
Mulhall, John, poor		75	
Moran, John, poor		35	06
McAvoy, Thomas, poor	1	50	
Mack, Thomas, poor		50	
Martin, George, poor	1	50	
Maley, George, poor	1	50	
Murphy, Lawrence, poor	1	50	
Murphy, James, poor		25	
Murphy, Andrew, poor	1	50	
McCabe, Luke, poor	1	50	
McKeon, James, poor		25	
McCabe, Frank, poor		25	
Morgan, James, N., poor		75	
Murphy, Martin, poor		75	
Mahoney, Jere, poor		75	
McGee, Wm., poor	1	50	
Murphey, Edwd., poor	1	50	
McDonald, Wm., poor		75	
McGee, Patk., poor		75	
McGrath, Edward, poor		75	
Meek, Charles, poor	1	50	
Murphy, Martin, poor		75	
McClene, Elijah, poor		75	
Morris, Ebenezer, poor	1	50	

Michael, John, poor		25	
Nesbit, James, poor	1	10	06
Nead, Patrick, poor		25	
Nalty, Edward, poor		25	
Nolan, James, poor		75	
Nesbit, John, poor		75	
Nesbit, James, poor		75	
Neville, Michael, poor		25	
Noons, James, poor		75	
Nash, James, poor		75	
Nash, John, poor		85	06
O'Neil, Michael, poor		25	
O'Brien, Martin, poor	1	50	
O'Brien, John, poor	1	50	
O'Neil, Hugh, poor	1	50	
O'Donnell, Joseph, left		75	
O'Neil, Thomas, poor	1	60	06
O'Meilly, Owen, poor		85	06
O'Donnell, James, left		75	
O'Brien, James, left		75	
O'Malley, James, error		60	36
O'Neil, Pat., poor,	$0	35	06
O'Donnell, John, poor		25	
Pendergrast, Henry, reduction		50	
Purcell, Patrick, poor	1	50	
Patten, Thomas, left	1	20	72
Phillips, Jno., left	1	50	
Praetorius, O., left		30	18
Purcell, James, left	1	50	
Pendergast, Thomas, poor		25	
Purcell, James, poor	1	50	
Probst, Wm., left	1	50	
Purcell, Wm., poor		75	
Purcell, Patk., poor		75	
Quinn, Michael, poor	1	60	06
Quinn, Mat., poor		75	
Quinn, Charles, poor		75	
Quinn, Hugh, poor		75	
Quinn, John, poor		50	
Quick, John, poor	1	60	06
Rice, Michael, left		75	
Robinson, Thos., poor		25	
Rickerts, Thos., poor	1	50	
Ryan, John, poor	1	50	
Ryan, John, poor	1	50	
Ryan, Michael, poor		25	
Ryan, Edward, poor		25	
Ryan, James, poor	1	50	
Ryan, Jerry, dead	1	50	
Ryan, Jno. H., poor	1	50	
Ryan, Thos., poor		25	06
Reilly, James, poor	1	50	
Rourke, Dennis, poor		25	
Rourke, Martin, poor	1	50	
Rowe, John, poor		75	
Ryan, Edward, poor		75	

Ryan, Lawrence, poor	75	
Ryan, James, poor	75	
Reilly, John, poor	75	
Richards, Richard, poor	75	
Ryon, Patk., poor	75	
Reynolds, Martin, poor	75	
Ryan, Patk., poor	1 50	
Ryan, Jno., poor	75	
Ryan, William, poor	75	
Ryan, Patk., poor	75	
Richards, James, poor	75	
Rowler, John, poor	75	
Ryan, Thos., poor	1 50	
Raw, Michael, poor	50	
Ryan, Michael, poor	75	
Shore, John, poor	25	
Shortell, Wm., poor	1 50	
Scanlan, Martin, poor	39	09
Small, Henry, left	1 50	
Samuel, Henry, left	1 50	
Samuel, John, left	1 50	
Stapleton, Simon, poor	25	
Scurlick, Wm., poor	25	
Stapleton, Edward, poor	75	
Shore, Philip, left	1 50	
Shore, John, left	1 50	
Sanders, Edward, left	75	
Shatel, Patk., left	35	06
Shore, Jno., left	75	
Shaw, Chas., poor	75	
Tool, Thomas, poor	25	
Tool, Anthony, poor	75	
Taylor, John, poor	75	
Tobin, Edward, poor	75	
Thomas, Jno., jr., poor	1 50	
Taylor, Samuel, poor	10	06
Troup, Stephen, poor	1 50	
Whalen, John, poor	50	
Webster, Wm., poor	1 50	
Williams, Thos. J., exonerated	75	
Williams, Geo., exonerated	1 60	06
Welsh, John, poor	25	
Welsh, Oliver, poor	1 50	
William, Thomas, poor	75	
Walker, Thomas, poor	1 50	
Whelin, Michael, poor	75	
Williams, George, poor	1 50	
Whalen, Michael, poor	25	
Welsh, Luke, dead	1 50	
Watkins, Thos., poor	1 50	
Wade, Michael, poor	1 50	
Whalen, Thomas, poor	1 50	
Williams, Jno. G., poor	1 50	
Woodcock, Jno., poor	1 50	
Wade, John, poor	25	
Welsh, Pierce, poor	1 50	

Wade, Pat., poor	25
West, William, poor	1 50
Welsh, Pat'k, poor	25
Welsh, John, poor	75
Wade, Pat'k, jr., poor	75
McHugh, Rev. James, dead	2 03

SCHUYKILL COUNTY, *ss:*

On the 25th day of January, A. D. 1875, personally appeared before me, clerk of the commissioners in and for said county, James O'Malley, collector of Cass Township for the year 1874, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

JAS. O'MALLEY, *Collector.*

Sworn and subscribed before me.

A. J. AUGOOD, *Clerk.*

SCHUYLKILL COUNTY, *ss:*

I, Geo. R. Schoener, assistant clerk of the board of commissioners for said county, do hereby certify that the foregoing is a full and correct copy of the return of James O'Malley, collector of State and county taxes for Cass Township, for the year 1874, as the same remains of record in said office.

[SEAL.] GEO. R. SCHOENER,
Assistant Clerk.

EXHIBIT W W W.—*H. K. Weston, Notary Public.*

Return of county and State taxes of Cass Township for the year 1875, *by James O'Malley, collector.*

	County.	State.	
Ellen, Samuel, poor	$0 75		
Abraham, Gottlieb, not found	1 50		
Adams, Pat., not found	1 50		
Adams, Richard, not found	1 50		
Adams, John B., not found	75		
Arns, Daniel, poor	85	$0 06	
Adams, James, not found	1 50		
Boyer, John, left	75		
Brine, James, poor	1 50		
Brine, James, double assessed	1 50		
Britt, Patrick, poor; in penitentiary	75		
Boyle, Pat., poor	75		
Brennan, William, poor	1 50		
Berryan, James, poor	1 50		
Brennan, Thomas, poor	1 50		
Brennan, James, poor	1 50		
Brennan, Martin, dead	1 50		
Brennan, John, not found	75		
Basset, John, poor	75		
Brennan, Michael, poor	75		
Brennan, William, not found	75		
Boyle, John, not found	75		
Brennan, Patrick, poor	1 60		06
Brennan, Thomas, not found	1 50		
Brennan, John, poor	1 50		
Brennan, Pat., not found	1 60		06
Brennan, Daniel, poor	1 50		
Brennan, Thomas, double assessed	1 50		
Buggy, Pat., poor	1 50		
Bowers, William, poor	25		
Butler, John, poor			

Brown, John, burned	75	
Britt, William, poor	75	
Brennan, Tim., poor	1 50	
Burns, Michael, not found	1 50	
Bradley, James, poor	1 50	
Britten, Thomas, left	1 60	06
Bell, William, not found	1 50	
Buggy, Thomas, not found	1 50	
Breen, Patrick, poor	75	
Beddon, George, left	75	
Burns, James, not found	25	
Butler, Thomas, poor	25	
Belan, John, poor	75	
Brennan, Michael, poor	75	
Burke, George, poor	1 50	
Brennan, Patrick, not found	75	
Brennan, Michael, not found	1 50	
Brennan, Michael, poor	1 60	06
Burke, James, poor	75	
Brennan, James, poor	1 50	
Brady, Frank, poor	75	
Brennan, Martin, dead	1 50	
Barney, Patrick, not found	1 50	
Beddinger, Peter, left	1 50	
Beddinger, Philip, left	1 50	
Brennan, Michael, not found	1 50	
Beyan, Patrick, poor	1 50	
Brennan, Patrick, poor	1 50	
Butler, Lawrence, not of age	75	
Bell, Richard, not found	75	
Burrgan, Wm., not found	1 50	
Broyan, James, poor	75	
Brennan, Lawrence, not found	1 50	
Buggy, Jerry, left, not found	75	
Brennan, Michael, not found	75	
Brennan, Thomas, not found	75	
Bambrick, Henry, poor	1 50	
Brennan, Patrick, not identified	85	06
Caslon, Thomas, very old	25	
Cochlin, John, very old	25	
Cannan, John, poor	75	
Clansey, Martin, old	50	
Clarney, Martin, old	35	06
Close, Patk., poor	1 50	
Collihan, Bart, poor	75	
Carroll, Anthony, poor	35	06
Coyle, Patk., blind	13	
Clansey, Patk., old	25	
Comeford, Patk., old	25	
Colgan, Martin, old	25	
Comeford, Michael, old	25	
Campion, Jerry, old	75	
Conry, James, old	35	06
Clark, James, old	25	
Cook, William, old	35	06
Carrol, Anthony, dead	1 50	
Curran, Jerry, poor	1 50	
Canfield, Richard, poor	1 50	
Coogan, Patk., poor	1 50	
Conry, Hugh, dead	1 50	
Clark, Wm., an error in assessment	69	
Coogan, Patk., double assessed	1 50	
Creig, Patk., poor	75	
Close, Thomas, not found	75	
Clensy, Thomas, poor	1 50	
Condrin, William, poor	75	
Cavanaugh, James, poor	1 50	
Cahil, Dennis, left	75	
Curren, Patk., old	25	
Crenan, Lawrence, not found	75	

Curin, John, poor	1 50	
Campion, Laughlin, double assessed	1 50	
Carey, James, old	25	
Campion, Richard, not found	75	
Canfield, Thomas, not found	75	
Color, Thomas, not found	25	
Canfield, Patk., not found	75	
Cosgrove, William, not found	75	
Conners, James, not of age	1 50	
Coler, Daniel, poor	75	
Creaney, Patk., poor	1 50	
Cullen, James, not found	75	
Canfield, Thomas, not found	1 50	
Comeford, Daniel, poor	75	
Carey, John, in jail	75	
Campion, Michael, not found	75	
Conner, John, not found	75	
Conner, Pat., not found	75	
Collins, James, not found	75	
Coogan, Pat., poor	75	
Connelly, Dennis, poor	75	
Delaney, Kearen, not found	0 35	06
Delaney, William, poor	0 75	
Deegan, Martin, poor	0 75	
Doyle, James, poor	1 50	
Davis, Thomas, not found	1 50	
Dormer. John, poor	1 50	
Daley, William, poor	1 60	06
Doyle, Dennis, poor	0 85	06
Dormer, Michael, poor	7 50	
Danlevy, Pat, old	0 25	
Davis, William, not found	1 50	
Duff, Joseph, poor	0 85	06
Doyle, Thomas, poor	1 60	06
Dogerty, Pat, not found	1 50	
Daley, Michael, poor	0 75	
Davis, John, left	1 50	
Davis, David, not found	1 50	
Donahoe, Michael, poor	0 75	
Donnelly, Chas., poor	1 50	
Delaney, Lay, poor	1 50	
Drennan, Andrew, poor	0 75	
Daniel, James, not found	0 75	
Dunlap, Thomas, left	1 50	
Duffy, Michael, poor	0 75	
Dougherty, Pat., hurt	1 50	
Daley, Philip, poor	0 75	
Deegan, Michael, not found	0 75	
Duff, John, poor	0 75	
Davis, Thomas, double assessed	1 50	
Durkin, Daniel, poor	0 75	
Davis, Thos., not found	1 50	
Donnelly, James, not found	0 75	
Davis, F. Davis, not found	1 50	
Dowling, Pat., not found	0 75	
Davis, Richard, poor	0 90	
Dolan, Thomas, poor	0 75	
Derrig, John, young	1 50	
Dougherty, James, old	0 50	
Daley, Patrick, not found	0 75	
Evan, Evans, not found	0 50	
Escock, Henry, dead	0 25	
Edward, Edwards, not found	1 50	
Evans, David, not found	1 50	
Eynon, Thomas, not found	1 50	
Edmunds, Edmond, not found	1 50	
Evan, Evans, not found	1 50	
Fort, Patrick, poor	0 75	
Farrell, Martin, poor	0 75	
Fitzpatrick, Thomas, poor	0 75	

Fadder, James, poor	0 25	
Feeney, Michael, old	0 25	
Farrell, John, left	1 50	
Foley, Andrew, poor	0 75	
Farrell, James, poor	0 75	
Farley, Jerry, not found	0 75	
Franey, Michael, not found	0 75	
Fowler, Isaac, poor	1 50	
Fadden, John, poor	1 50	
Fisher, David, left	1 50	
Flynan, Thomas, poor	0 75	
Foley, John, not found	0 75	
Fogerty, James, poor	0 75	
Furfy, John, poor	1 50	
Fadden, Patk, poor	0 75	
Furfon, John, not found	1 50	
Foley, Martin, dead	25	
Fowler, Thomas, poor	1 50	
Gallagher, Frank, old	25	
Gannan, Patk., poor	1 50	
Gennan, Michael, poor	75	
Grace, James, poor	1 50	
Golden, Martin, poor	75	
Grace, John, poor	1 50	
Gelgore, Robt., old	25	
Gleesen, Edward, poor	75	
Grace, Martin, poor	1 50	
Garretty, Michael, poor	75	
Gallagher, John, poor	50	
Gorden, Frank, young	75	
Hellman, Augustus, left	1 50	
Henry, Richard, poor	75	
Hopkins, Patk., poor	75	
Hoben, Michael, poor	1 50	
Hughes, James, old	50	
Hunt, Arthur, dead	1 50	
Hockney, Dennis, poor	75	
Hughes, Richard, poor	1 60	06
Halaban, James, poor	75	
Hughes, John, poor	1 50	
Hornberger, John, old	25	
Hobin, John, poor	1 50	
Haggerty, Patk., old	25	
Hughes, John, poor	1 50	
Haven, Morgan D., poor	75	
Harkin, Patk., poor	75	
Horan, Michael, old	25	
Horan, John, poor	75	
Horan, John, poor	75	
Hart, Patk., not found	75	
Harris, David, not found	1 50	
Holden, Peter, poor	75	
Hegins, John, poor	1 50	
Hastings, John, poor	1 50	
Hennessy, James, poor	25	
Howell, George, double assessed	1 50	
Hogan, John, poor	1 50	
Hart, Michael, poor	25	
Huley, Patk., poor	60	06
Henderson, Peter, young	1 50	
Hunk, John, not found	75	
Howels, Thomas, poor	1 50	
Hughes, James, left	75	
Hughes, Patk., double assessed	1 50	
Holt, George, not found	1 50	
Holden, John, poor	1 50	
Jones, David, poor	1 50	
Jones, Lewis, double assessed	1 50	
Jones, Thomas, double assessed	1 50	
Jones, Thomas, poor	1 50	

Jones, Thomas, double assessed	1	50	
Jenkins, John, not found		75	
Kay, Thomas, left	1	50	
Kenneday, Edward, poor	1	60	06
Kiervick, Simon, poor	1	50	
Keely, Thomas, not found		25	
Keely, Michael, not found		75	
Kelly, Mat, not found	0	85	06
Keely John, not found	1	50	
Kellkillian, James, not found	0	75	
Kelly, John, not found		50	
Kendrick, William, not found	1	50	
Kelly, John, not found		25	
Kelly, Mark, old, blind		25	
Kenan, Frank, poor		75	
Kelly, James, not found		85	06
Keaten, Patrick, not found		25	
Kearney, Martin, poor		35	06
Keatin, Thomas, poor		75	
Keatin, Michael, poor	1	50	
Karey, James, double		25	
Keeley, Edward, not found	1	50	
Kelly, Edward, left	1	50	
Lawless, John, old		25	
Lewis, Thomas, not found	1	50	
Lynch, James, poor	1	50	
Larey, Thomas, poor	1	50	
Langton, Pat, old		25	
Lewis, Frank, left	1	50	
Lynch, James, poor	1	50	
Lawler, Pat, old		25	
Lawler, John, poor		75	
Lynch, William, old		25	
Larey, John, poor	1	50	
Larey, Cornelius, poor		75	
Lybach, Nicholas, old		25	
Langton, Martin, poor		75	
Laffee, Peter, old		25	
Larey, John, poor		75	
Laffee, Michael, young		75	
Leonard, Waller, poor	1	50	
Langton, Pat, old		25	
Langton, Edward, poor		75	
Larey, James, poor	1	50	
Lee, Michael, old		25	
Ladden, Anthony, poor		75	
Lee, John, left		75	
Lawler, Daniel, not found	1	50	
McDonald, Joseph, poor		75	
McDonald, John, poor		75	
Mahoney, Michael, poor		75	
McCabe, William, not found	1	50	
McManaman, Darby, dead	1	50	
Monahan, Martin, left		75	
Moore, Pat, left		75	
McManaman, James, dead		75	
Morgan, John, not found	1	50	
McCormick, Owen, old		25	
McGuire, Pat, dead		75	
Mulhall, Pat		16	
McDonald, Pat, left	1	50	
Moore, John, poor		75	
McAvoy, Michael, poor		25	
McAvoy, William, poor		25	
McAvoy, Thos., poor	1	50	
Murphy, James, poor	1	50	
Murphy, John, poor	1	50	
McKeon, John, poor		75	
Mahony. Dennis, poor		75	
Moony, Thomas, dead		25	

Madden, William, poor		75	
Madden, James, poor		75	
Moore, William	1	50	
Manetes, John, poor		25	
McDonald, Michael, poor		75	
McMurphy, William, poor		75	
Moyer, William, left		75	
Mellons, Thomas, left	1	50	
Mamorank, Fred, poor	1	60	06
McHugh, Daniel, not found		50	
Mealy, Michael, poor		75	
Mosley, Jacob, old		25	
McDonald, Pat, poor		75	
Muldoon, Martin	1	50	
Moore, Martin	1	50	
Maley, John		75	
Morgan, John, double assessed	1	50	
McMurtry, John, poor		75	
McAvoy, Peter, poor	1	50	
McAlley, Charles		75	
Mangan, John, poor		75	
Mulhall, John, double assessed		75	
Moran, John, poor		35	06
McAvoy, Thomas, poor	1	50	
Mack, Thomas, poor		50	
Martin, George, poor	1	50	
Mealey, George, poor	1	50	
Murphy, Lawrence, poor	1	50	
Murphy, James, poor	1	50	
Murphy, Andrew, poor	1	50	
McCabe, Frank, poor		25	
McKeown, James, poor	1	50	
Morgan, James, poor		75	
Mahony, Jerry, poor		75	
McGee, William, poor		50	
Murphy, Edward, poor	1	50	
McDonald, William, poor		75	
McGee, Pat'k, poor		75	
McGrah, Edward		75	
Meek, Charles	1	50	
Murphy, Martin, double		75	
Michael, John, not found		25	
Morris, Ebenezer, not found	1	50	
McClure, Elijah, poor		75	
McGuire, John, poor		75	
McKeown, James, poor		75	
McHenry, Charles, poor	1	50	
McGee, Charles, poor		50	
Mangan, John, poor		75	
Mohan, John, poor	1	50	
Nalty, Edward, dead		25	
Nolan, James, not found		75	
Nesbit, John, left		75	
Neeviles, Michael, not found		25	
Nevills, John, not found		75	
Nash, John, poor		85	06
O'Neal, Michael, old		25	
O'Brien, Martin, poor	1	50	
O'Brien, Edward, error in		40	
O'Neil, Hugh, poor	1	50	
O'Donnell, Joseph, not found		75	
O'Neiil, Thomas, poor	1	60	06
O'Donnell, James, not found		75	
O'Brien, James, poor	0	75	
O'Maley, John, left	1	50	
O'Donnell, John, poor	1	50	
O'Brien, F. M., poor		53	46
Purall. Henry, error		66	
Purcell, Patrick, error	1	50	
Patten, Thomas, error, four mules	1	20	72

Philips, John, poor	1 50	
Purcell, James, poor	1 50	
Purcell, James, poor	1 50	
Price, David, poor	1 50	
Purcell, William, poor	75	
Price, Watkin, left	1 50	
Pennygast, Richard, young	1 50	
Purcell, Martin, poor	75	
Quinn, Michael, poor	1 60	06
Quinn, Matthew, poor	75	
Quinn, John, poor	75	
Quinn, Hugh, poor	75	
Quinn, Charles, poor	75	
Quirk, John, poor	1 60	06
Rice, Michael, left	75	
Ryan, John	1 50	
Ryan, Michael, old	25	
Ryan, Edward, old	25	
Ryan, James, old	1 50	
Ryan, John, poor	1 50	
Reilly, James, poor	1 50	
Rourke, Dennis	25	
Rourke, Martin	1 60	06
Rodgers, Patrick	60	06
Rowe, John, left	75	
Ryan, John, double assessed	1 50	
Ryan, Edward, double assessed	75	
Ryan, Thomas, double assessed	85	06
Ryan, Lawrence, double assessed	75	
Ryan, James, double assessed	75	
Ryan, Patrick, double assessed	75	
Reilly, John, young	75	
Ryan, Patrick, double assessed	1 50	
Reynolds, Martin, left	75	
Ryan, John, poor	75	
Ryan, William, poor	75	
Reilly, Patrick, poor	1 50	
Ryan, Patrick, double assessed	75	
Richards, James, not found	75	
Rowler, John, not found	75	
Ryan, Thomas, not found	1 50	
Rowe, Michael, not found	1 50	
Ryan, Michael, not found	75	
Richards, Samuel	75	
Shore, John, old	25	
Shartle, William, poor	1 50	
Samuel, John	1 50	
Stevelton, Simon, blind	25	
Scurlick, William, not	25	
Stevelton, Edward, not	75	
Shore, Michael, not	35	06
Shore, Thomas, not	1 50	
Sanders, Edward, not found	75	
Shortle, Patrick, old	35	06
Shore, John, poor	75	
Simmons, Philip, poor	1 50	
Sweney, William, poor	0 75	
Shaw, Charles, poor	75	
Scully, Thomas, poor	1 50	
Strange, Stephen, poor	1 50	
Shore, Michael, poor	1 50	
Swinebald, Joseph, poor	75	
Smith, William, poor	75	
Shields, Michael, not found	75	
Toole, Thomas, old	25	
Toole, Anthony	75	
Tovey, Aaron, left	1 50	
Taylor, John	75	
Tobin, Edward	75	
Thomas, John, not found	1 50	

Whalen, John, not found	50	
Williams, Thomas	1 50	
Webster, William, poor	75	
Williams, Thomas, double assessed	75	
Williams, George, double assessed	1 60	06
Wharton, John, error in assessment	16 00	
Whalen, John, not found	75	
Welsh, Oliver, poor	1 50	
Williams, Thomas, double assessed	75	
Walker, Thomas, poor	1 50	
Whalen, Michael, double assessed	75	
Whalen, Michael, old	25	
Welsh, Joseph, poor	75	
Wright, John, poor	35	06
Wade, Michael, poor	1 50	
Whalen, Thomas, not found	1 50	
Williams, John G., not found	1 50	
Wade, John, poor	25	
Ward, Thomas	75	
Welsh, Michael, poor	1 50	
Wade, Patrick, poor	75	
Welsh, William, not found	1 50	
Welsh, Michael, double assessed	1 50	
Wilds, William R., left	1 50	
Whalen, John, poor	75	
Clark, W., error on gold watch	50	

SCHUYLKILL COUNTY, *ss:*

On the 26th day of January, 1876, personally appeared before me, clerk of commissioners in and for said county, James O'Malley, collector of Cass Township for 1875, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

J. O'MALLEY,
Collector.

Sworn and subscribed before me.

E. A. SCHARTEL,
Clerk.

SCHUYLKILL COUNTY, *ss:*

I, George R. Schoener, assistant clerk of the board of commissioners of said County, do hereby certify that the foregoing is a true and correct copy of the return of James O'Malley, collector of State and county taxes for Cass Township for the year 1875, as fully as the same remains of record in this office.

[SEAL.]

GEO. R. SCHOENER,
Assistant Clerk.

EXHIBIT XXX.—*H. K. Weston, Notary Public.*

Return of county, State, and building taxes of Cass Township for the year 1876, Anthony McHale, collector.

	County.	Building.
Brennan, Edward E., left	$1 50	$0 15
Boyer, John, left	75	08
Brennan, Wm., (Martin)	75	08
Brennan, Patk. Moore, left	25	03
Beddinger, Peter, left	1 50	15
Brennan, Michael, jr., double	1 50	15
Bambrick, Henry, left	1 50	15
Barder, Joseph, left	1 50	15
Brennan, Nicholas P., left	75	08
Comford, Patk., dead	25	03

Campion, Jere, dead	75	08
Callihan, Patk., left	75	08
Condron, Wm., left	75	08
Carey, James, left	25	03
Cullin, James, left	75	08
Carey, John, in jail	75	08
Canfield, Patk., left	75	08
Curry, James, left	75	08
Coon, James, left	75	08
Dormer, John, dead	1 50	15
Duffy, Michael, left	75	08
Deegan, Michael, sick	75	08
Doran, Wm., dead	75	08
Doyle, Thomas, not of age	75	08
Den, Oliver, not of age	75	08
Dewire, Michael, dead	25	03
Durkin, Daniel, left	75	08
Dewire, Patk, dead	35	04
Dainley, James W., left	75	08
Dowling, Patk., left	25	03
Derrick, John, double	1 50	15
Davis, John W., left	1 50	15
Egan, Thomas, double	1 50	15
Farley, Jerry, left	75	08
Furphy, John, left	1 50	15
Fitzpatrick, John, left	75	08
Grace, John, disabled	1 50	15
Gertsley, Mathias, left	75	08
Gallagher, Frank, sick and cripple	1 50	15
Healey, Bart., dead	1 50	15
Henry, Richard, not found	75	08
Hunt, Arthur, dead	1 50	15
Heins, Chas., paid in Branch Township	1 50	15
Hoben, Michael, left	75	08
Hart, Patrick, left	25	03
Hennessy, James, left	75	08
Hunk, John, left	1 50	15
Howells, Thomas, left	75	08
Hummel, Israel, left	1 50	15
Hopkins, John S., left	75	08
Hayman, Thos., not found	75	08
Kessler, Chas., left	85	09
Kelly, James, left	35	04
Kearney, Martin, double	25	03
Karey, James, double	1 50	15
Kelly, Edward, left	1 50	15
Kelly, Edward, double	1 50	15
Lewis, Frank, left	75	08
Lawler, John, left	1 50	05
Lawler, Daniel, left	75	08
Loftus, Patrick, left	1 50	15
Leary, James, left	1 60	16
McCabe, William, not found	75	08
Moore, Patrick, left	85	09
McGuire, Patrick, dead	1 50	15
McHale, Patrick, left	75	08
McDonald, ——, not found	75	08
Meehan, John, left	75	08
Myer, William, left	1 50	15
Mellons, Thomas J., left	75	08
McGreevy, William, left	75	08
Moore, Martin, dead	1 50	15
McAvoy, Thomas, double	75	08
Mulhall, John, left	1 50	15
Martin, George, left	75	08
Morgan, James W., left	75	08
McFadden, John, left	75	08
Murphy, Martin, double	1 50	15
Morris, Ebenezer, left	75	08
Maughan, John, double		

Mulhall, Thomas, left	1	50	15
McKenny, Charles, left		85	09
McHugh, Daniel, double	1	50	15
Miller, Jacob, left		75	08
McHugh, Daniel, disabled	1	50	15
Nesbit, James, dead		75	08
Noon, James, left		75	08
Owens, Lewis, left	1	50	15
O'Brien, James, left	1	50	15
O'Malley, James, left	1	50	15
O'Brien, Rev., left		53 20	06
O'Donnell, Joseph, double	1	75	18
Purcell, Patrick, left	1	50	15
Praetorias, Otto, left	1	50	15
Purcell, John, left		75	08
Purcell, Martin, left		75	08
Reese, William, left	1	60	16
Ryan, Lawrence, left		75	08
Reynolds, Martin, left		75	08
Roller, John, left		75	08
Ryan, Michael, left		75	08
Rhodes, John, (young,) not of age	1	50	15
Samuel, John, left	1	50	15
Sander, Edward, not found		75	08
Swineboldt, Joseph, left		75	08
Shore, Michael, jr., double	1	50	15
Shore, Michael, sr., double		25	03
Smith, Abraham, left		75	08
Thomas, John, left	1	50	15
Tracey, George, left		75	08
Thomas, John M., left	1	50	15
Webster, William, left		25	03
Whalen, Michael, left		25	03
Ward, Joseph, left	1	50	15
Welsh, Peter, left	1	50	15
Welsh, Pierce, left	1	50	15
Purcell, William, no cow		10	01

SCHUYLKILL COUNTY, *ss:*

On the 6th day of December, 1876, personally appeared before me clerk of commissioners in and for said county, Anthony McHale, collector of Cass Township for 1876, who being duly sworn according to law doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

ANTHONY McHALE, *Collector.*

Sworn and subscribed before me.

E. A. SCHARTEL, *Clerk.*

SCHUYLKILL COUNTY, *ss:*

I, Geo. R. Schoener, assistant clerk of the board of commissioners for said county, do hereby certify that the foregoing is a full and correct copy of the return of Anthony McHale, collector of State and county taxes for Cass Township for the year 1876, as the same remains of record in this office.

GEO. R. SCHOENER, *Assistant Clerk.*

EXHIBIT Y Y Y.—*H. K. Weston, Notary Public.*

Additional returns of county, State, and building taxes, of Cass Township, for the year 1876, *by Anthony McHale, collector.*

Sweeney, Wm., dead	$0 75	$0 08
Conway, Arthur, left	1 50	15

Brennan, Edward C., not found	75	08
Belin, John, left	75	08
Brennan, Lawrence, not found	1 50	15
Kenneday, Edward, double	1 50	15
Dailey, Philip, left	75	08
Dolan, Thomas, not found	75	08
Davis, Daniel, not found	1 50	15
Henderson, James, left	1 50	15
Henderson, Peter, left	1 50	15
Hughes, James, left	75	08
Holt, George, double	1 50	15
Kelly, Mark, deceased	25	03
Lee, Michael, left	25	03
Lee, John, left	75	08
Mulhall, William, left	1 50	15
Murphy, Lawrence, left	1 50	15
Meek, Charles, left	1 50	15
Ryon, Thomas, not found	1 50	15
Smith, John, left	75	08
Wade, Thomas, left	1 50	15
Evans, David, not found	1 50	15
Evans, Evan, double	1 50	15
Davis, Thomas D., not found	1 50	15
Jones, Thomas G., not found	1 50	15
Buggy, James, not of age	75	08
Degan, James, not of age	1 50	15
Hunt, William, in jail	75	08
Hart, John, left	75	08
Herrick, Simon, not of age	75	08
Manales, John, not of age	1 50	15
Wright, William, not of age	75	08
Eastcock, Henry, left	1 50	15
Sweeney, William, left	75	08
Connelly, John, not of age	75	08

SCHUYLKILL COUNTY, *ss:*

On the 30th day of January, A. D. 1877, personally appeared before me, one of the commissioners in and for said county, Anthony McHale, collector of Cass Township for 1876, who upon being sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

ANTHONY McHALE,
Collector.

Sworn and subscribed before me.

PATRICK COLLINS.

SCHUYLKILL COUNTY, *ss:*

I, Geo. K. Schoener, assistant clerk of the board of commissioners of said county, do hereby certify that the foregoing is a full and correct copy of the additional return of Anthony McHale, collector of State and county taxes for Cass Township, for the year 1876, as the same remains of record in this office.

[SEAL.] GEO. R. SCHOENER,
Assistant Clerk.

BUTLER TWP., *December* 12*th*, 1874.

Received of John Barrett, 75 dollars, in full for State and county taxes for the year 1874.

ANTHONY CAREY,
Collector.

8—75.

No. 2.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *February* 3, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, in addition to those whose names have heretofore been furnished, before Seth W. Geer, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Samuel Garrett, in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Wednesday, the 7th day of February, 1877, at nine o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place, or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

Patrick Malone, John Cassidy, John Carroll, James McGummery, James Grady, John Garrett, John Sweeney—all of the borough of Mount Carbon, in said county.

Morris Ryan, of East Manheim election district, in said county.

Bernard Horan, Michael Boland, Michael Mackey, Thomas Cochlin, John Hanney, James Salmon, James Comer—all of the township of East Norwegian, in said county.

John Hollerin, August Hellman, Henry Knecht—all of the township of Norwegian, in said county.

William Armstrong, John Minor, William Martin—all of the township of Blythe, in said county.

Condy McFadden, of the borough of Port Carbon, in said county.

Charles Sommer, of the borough of Auburn, in said county.

George Evans, Dennis Gillaspie, William Harting, Pat Murphy, George W. Harting, Michael McGovern, James O'Connor, Hugh O'Donnell, Dan Sullivan, William A. Sebold, Patrick Tray, Jacob Zweibel, John Zweibel, James Zweibel, Francis Conlan, Frank Conlan, Michael Castello, Michael Costello, John Ruddy, John Rudey, William Hugh, William Hughes, Patrick Horne, Patrick Horan, Wall Acker, John McElaney, James McElaney, Nicholas Rehr, Richard Walsh, Frederick Boglesand, Frederick Voglesang, George Eveland—all of the borough of Palo Alto, in said county.

Dan. Mulhollom, John O'Brien, jr., William Brown, sr., Patrick Carr, John O'Brien, James Olwell, Dan Coleman, Daniel Garrigan, William McCormick, Casper Weihinger, Edward Brennan—all of the west ward of Schuylkill Haven, in said county.

Albert Yahn, jr., L. Leinheiser, William Kehner, Joseph Oberlis, Edwin Gong, Peter Maurer, jr., G. Gardner, Joseph Bicket, Stephen Dreitlein, Peter Yost, Joseph Dinter, Joseph Ginter, George Wingefield, Hilarus Smith, John Becker, Henry Tinkens, Joseph Froseman, Carl

Elison, Jacob Hartman, Allis Jones, John Blappert, James Deasy, John Ploppert—all of the borough of Yorkville, in said county.

J. L. NUTTING.

Hon. JAMES B. REILLY,
or JOHN A. NASH, Esq., *his attorney.*

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me, the subscriber, a notary public in and for said county and State, William R. Bowman, who, being duly sworn, says that on the 3d day of February, 1877, he served the foregoing notice to take depositions upon the said John A. Nash, esq., attorney for said James B. Reilly, by leaving with him, said attorney, personally, a full, true, and complete copy thereof, and leaving it in his possession.

WILLIAM R. BOWMAN.

Subscribed and sworn to before me this 5th day of February, A. D. 1877.

[SEAL.]

SETH W. GEER,
Notary Public.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *January* 30, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses, whose names are hereinafter given, before Seth W. Geer, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Samuel Garrett, (Exchange Hotel,) in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Tuesday, the sixth day of February, 1877, at 9 o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

H. R. Carl, Patrick Kerns, Patrick Moran, Thomas Moore, Michael Norton, Neal Quinn, John McCauley, John Ryan, Patrick Conners, Peter Quinn, Michael Murphy, James Sweeney, Thomas Butts, John F. Quinn, John Mahoney, Patrick Quinn, Abraham Butts, Thomas Mulhall, John Harrison, Roger Gilroy, Michael Kirk, Robert Bradley, Michael Kennedy, John McDonald, James McDonald, Edward Cochlin, Michael Donnelly, Patrick Conville, Patrick Reddington, James O'Donnell, Owen Loftus, Edward Loftus, Michael Kelly, Bernard Doneyu, Jeremiah O'Donnell, Martin Dunn, Thomas Kilpatrick, John Leary, Daniel Leary, Jeremiah Leary, Richard Timmons, Martin Moran, John Cummings, Timothy Laehey, John Muldowney, jr.. William Foley, John Muldoney, sr., Thomas Bradley, Farrell Donnelly, John McCarty, James Monghan, Lorenz Eagan, James Mullhall, Bernard Reilly, James Mahoney, Patrick Hart, Patrick Dunavan, Patrick Lawler, Edward Nolan,

Patrick Bemerick, Michael Farrell, James O'Donnel, jr., John Gallagher, Dennis Donavon, John Mullin, Patrick Sherdin, James Kelly, Patrick Brennon, Patrick Kelly, Michael Kelly, Edward Muldowney, Michael Egan, Morris Conner, Edward Brennan, Lawrence Whims, Peter Egan, Michael Boran, Andrew Brennan, Daniel Hughes, John Doyle, Michael Fenton, Morris Cullan, William Fogarty, Robert McMullin, Daniel Moran, Luke Dean, James Fogarty, Patrick Whalen, Dennis Mahoney, Owen Lawler, John Lawler, Michael Mogler, John Mahoney, Dennis Mahoney, jr., Edward Brady, Jacob Brady, Patrick Doyle, Michael Donnelly, E. Phillips, Neal Quinn, P. Bomboy. J. R. Madara, J. W. Thomas, Thomas Davis, and H. R. Carl, and all of New Castle Township, in said county.

Daniel Garis, Peter Garis, Edward Doyle, John Devlin, Daniel Malone, Hugh St. Clair, Robert Ross, John Ross, Aaron Tubby, Edward Fogarty, Pat. Fogarty, John Cantfield, Patk. Canfield, John Keating, Patrick O'Connell, Bernard O'Donnell, Patrick McDonald, John Dougherty, Edward Damphry, Patrick Walsh, John Buck, John Miner, Michael McAvry, Richard Carney, James McGabe, William Martin, Michael O'Brine, Bernard Keefe, Mathew Tubby, Michael Dooley, James O'Brine, William Farrell, Michael Flannigan, Bernard Dougherty, George Dalton, John Dillon, John Brennan, James Cavanaugh, Lawrence Carrol, James Kerin, William Cuny, John Whelan, Thomas Edward, Daniel Brennan, Michael Tolan, James McGee, Patrick Flagherty, Patrick Johnson, Daniel Donahoe, James Fisher, Bryon O'Neil, William Panell, Patrick Whalen, William Lawler, Michael Purcell, Rodger Quinn, Alexander McCabe, Michael Kenna, James Doyle, Henry Donahoe, Edward Fogarty, Hugh Dougherty, Conay Brown, Miles Finely, Timothy O'Herron, Edward Cantfield, Peter Boran, James Fogarty, James Coyle, Richard Edwards, Hugh Shields, John Keefe, John Kerna, Anthony Dougherty, Thomas Walsh, Patrick Devine, Dennis Head, Charles Layman, James McGee, John Larkin, Patrick Callery, William O'Brine, Thomas O'Herron, Hugh McGettigan, Richard Coogan, John Reynolds, Wlliam Droughter, Ddward Kain, Patrick Mullin, Robert Conroy, Patrick Carlon, John Turish, Dennis Martin, Patrick Earley, John Houghney, Patrick McGee, Thomas Keating, John Munay, Hugh Dougherty, Noble Clemens, James Coyle, James Batter, William Keating, Michael Whelan, James McGovern, John Hede, B. O'Donnell, W. Armstrong, Thomas Martin, Richard Coogan, John Larkin, H. McGittigan, all of Blythe Township, in said county.

Martin Cunam, John Brennan, sr., Patrick Murry, sr., Bernard Conlin, Patrick Corrigan, Michael Reilly, John Blankenhorn, Michael Sharlin, Jeremiah Curran, Patrick Murry, jr., James Murray, jr., Edward Keating, John Frankenstine, sr., James Murry, sr., James Pursell, John Gross, John Tracy, James Murray, William Hunter, Thomas McKeever, Peter Haverty, Peter Scally, Patrick Carray, Thomas Carray, Anthony Darkin, James Manah, jr., Daniel Conners, Martin Casey, Henry Flynn, Patrick Larkin, John Gallagher, Bernard Donahoe, Fenton Keenan, Patrick Carraghan, jr., John Maher, Martin Carey, Martin Maurrion, Patrick Dalton, Thomas Cleary, James Carrigan, Patrick McCullian, Michael Tray, James McMurtrie, Edward McCool, John Tierney, Edward Purcel, John J. Murphy, Michael Devlin, James McDonald, James Keating, James Barry, Dennis Deasey, Mathias Murray, John J. Murray, William Barry, Edward Brennan, James Mullen, John Larkin, Michael Brennan, Charles Hoote, John Murphy, Patrick Keating, Thomas Coughlin, James Wimms, Patrick Moore, Frank Shopline, Frank Shovlin, James Lacy, Patrick Con-

ners, sr., Patrick J. Connors, Peter Gallagher, Thomas McCool, Patrick Haverty, William Rooney, John Hanney, jr., James McCullin, John Curran, Thomas McDonald, Mathew Scally, Edward Farrell, Thomas Mullin, Joseph Donahoe, Michael Gallagher, James Condron, Patrick Ryan, Patrick Kelly, Patrick Doyne, Thomas Mellon, Robert Canfield, James Shorlin, John Manach, Michael Cooney, Michael Keating, John Frankenstine, jr., Anthony Murray, Bernard McKeever, Thomas Ashworth, John Kelly, John McDonald, William Kelly, John McGurk, John McCullion, Peter Donlin, Daniel McCullion, Richard Seymon, Thomas Honlahan, Michael McDonald, Lawrence Whalen, Edward McDonald, William Noon, Edward Seymour, Lawrence Toohey, John Parcell, Terrence Casey, John Brennan, Thomas Brennan, William Conner, B. Foran, B. McGuire, M. Dormer, Daniel Ratgar, John Hays, all of Norwegian Township of said county.

Bernard Horan, James Monahan, Michael Bolands, Daniel Dick, Michael Naskey, Richard McCormick, James McGuire, sr., Robert Carter, Michael Brennan, Thomas Mooney, jr., Edward Brennan, William Brennan, John D. Joyce, Pat'k Sweeney, Edward Devlin, William Fitzpatrick, James Burk, Michael Hays, Thomas Cochlin, John Eagan, John Feeney, Daniel Rattigan, Richard Doolin, William Mullin, Bernard Maguire, Patrick Scanlon, Peter Monaghan, sr., Frank Reilly, Thomas Carlin, John Buckley, John Morley, Thomas Colahan, Michael Flannery, John Herron, Patrick Dailey, Robert Brady, Thomas Cullen, William Cullen, John Hanney, Michael McCormick, Patrick Kelly, Patrick Cavanaugh, jr., James Salmon, James Sweeney, John Baran, Patrick Fogarty, James Comer, Thomas Mooney, sr., Martin Dormer, Col. W. Hyde, Robert Rowe, Patrick Conlin, Benjamin Haines, Thomas Walker, James Fogarty, William Comer, Hugh Gillespie, Michael Boran, Martin Ryon, Peter Cooney, John Gillespie, Thomas Mahoney, John Hanney, M. Riely, Pat. Canagen, Bernard Conlon, J. Curran, Pat. Murry, jr., all of East Norwegian Township of said county.

Daniel Greenwald, Samuel Snoke, Edw. W. Wynkoop, of Pine Grove Township, in said county.

Abraham Gucker, of the borough of Pine Grove, in said county.

Peter Reilly, of East Manheim election-district, in said county.

Reuben Luckenbill, Martin Hoffman, John Smith, Morgan Crein, Michael Kelly, Thomas Brennan, M. Mullen, David Jackson, James McAvoy, B. Keffer, Thomas Wigian, Frederick Beck, William Sterner, C. A. Moyer, George Heffner, all of North Manheim election-district, in said county.

J. L. NUTTING.

Hon. JAMES B. REILLY.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me, the subscriber, a notary public in and for said State and county, William R. Bowman, who, being duly sworn, says that on the 31st day of January, 1877, at 2 o'clock p. m., he served the foregoing notice to take depositions upon the said James B. Reilly, by leaving with him personally a full, true, and complete copy or duplicate thereof.

WM. R. BOWMAN.

Subscribed and sworn to before me this 31st day of January, A. D. 1877.

H. K. WESTON, *Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

Deposition taken in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, on behalf of James L. Nutting, before me, John P. Hobart, a register in bankruptcy for the eastern district of Pennsylvania, residing in the thirteenth Congressional district, in said State, commencing February 6, A. D. 1877, pursuant to the request and notices hereto annexed, in the matter of the contested election case for Representative in the Forty-fifth Congress of the United States from the thirteenth Congressional district of the State of Pennsylvania, wherein the Hon. James L. Nutting contests the certificate of election held by the Hon. James B. Reilly.

William R. Smith, esq., appears for the Hon. James L. Nutting, and A. W. Schalck, esq., appears for the Hon. James B. Reilly.

Mr. Smith offers in evidence the notice served upon the incumbent to take testimony of the witnesses to be examined at this time and place, with proof of service upon the incumbent, marked "A No. 1."

JOHN SMITH sworn, for Mr. Nutting.

I reside at the Schuylkill County poor-house. I have resided there fifteen or sixteen years. I resided at Friedensburg before I went there. Friedensburg is in Wayne Township. The poor-house is in North Manheim Township and in North Manheim election-district. I went to the poor-house because I was sick and unable to take care of myself. I had no friends in this county, and could not provide for myself. I voted at the election in November last. I voted at the Seven Stars, in North Manheim election-district.

Question. For whom did you vote for Congress at the last November election?

(Objected to by Mr. Schalck because the ballot is secret, and no man is obliged to state for whom he voted; also, that the ballot deposited by the witness at the last election is either printed or written, and is itself the best and only evidence of what it contains, and its contents cannot be proved by parol evidence.

Mr. Schalck instructs the witness that this is a privileged matter, and he can answer it or decline to answer, as he sees fit.

Mr. Smith replies that this witness is clearly an illegal voter; that he did not vote in the district where he was legally a resident.)

Answer. I voted the whole Democratic ticket.

Cross-examined by Mr. Schalck:

I did not vote for Mr. Nutting. I am not doing much at all at the poor-house just now. I was hostler for four or five years at the poor-house. I stopped being hostler about a year ago. I stopped because I got the rheumatism in my leg. After I stopped being hostler I have been working on the farm, driving team sometimes—a one-horse wagon and big team. I have worked on the farm during the last year.

Q. Did you not work on the farm and other poor-house property like any other laborer?—A. Yes; I worked there, of course, in hay-making and harvest, and so on.

Q. State whether you did not work for and earn your living?—A. O, yes.

Q. Had you not been voting at the North Manheim election polls for

some years previous to the last election?—A. O, yes; I voted there often; I can't tell how often.

Q. If you do not remember for how many years you have voted in that district, but have any papers or receipts, by which you can refresh your memory, just refer to them, and tell us, if you can, how long it is since you voted in that district.

(Objected to by Mr. Smith, as the question is not relevant to the issue.)

A. I have voted there fifteen years, anyhow. Sometimes I paid my own taxes, and sometimes they paid it for me. I have a receipt for county tax for 1875. That is one of the years that I was hostler. I don't know how long I was sick when I first went to the poor-house; but when I got well I commenced to work, and have been working ever since. I was away about six or eight months. That was eight or nine years ago.

Q. Last fall, at the time of the election, you were not at the poor-house as a pauper, but you were there as a working or laboring man. Is that not so?—A. Well, I was there. I did not get no wages; nothing but my clothes and board. I worked for those. Ever since I got well I worked for my clothing and my board at the poor-house. I had to work. They all have to work that can work. For all the years that I have voted there, my vote has never been challenged or objected to, except that I was asked sometimes if I had paid my tax. I examined my ticket myself before I voted it. I don't remember any more all the names on the ticket. Reilly's name for Congress was on the ticket I voted. I am not a man of family; I have no family and no relatives; I never had any family.

In chief:

Some years I did not pay the tax myself.

Q. Can you tell us who paid your tax for 1875?

(Objected to by Mr. Schalck as immaterial and irrelevant. That it appearing that the tax was paid, it makes no difference who paid it.)

A. I can't tell who paid it. I got a receipt for it at the poor-house office. I don't know who gave it to me. I had no bargain when I went to the poor-house, or while I staid there, that I should work for my board and clothes. I just worked like all the rest of the paupers there that were able to work.

Recross-examined by Mr. Schalck:

When my taxes were paid for me, of course it was because I had worked on the place.

Q. Was it not a bargain or understanding, that when you worked and got no wages, that your taxes, clothing, and other necessary expenses should be paid by the authorities of the poor-house?—A. I guess they thought so themselves, or they would not have paid it.

In chief:

I cannot tell whether the director of the poor or the county standing committee paid that tax. It was given to me by one of the officers of the poor-house.

JOHN SMITH.

Subscribed and sworn to February 6, A. D. 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

MARTIN HOFFMAN sworn, for Mr. Nutting.

I stay at the poor-house of Schuylkill County. I voted at the last November election. Before I went to the poor-house I lived in Philadelphia. I met with an accident, and because of that accident I went to the poor-house. The injury to my arm disabled me from work.

Question. Who did you vote for for Congress at the last November election?

(Objected to by Mr. Schalck, because it has not yet been shown that this witness was an illegal voter at the last election, and until that is affirmatively made to appear the contestant has no right to inquire as to how this witness voted; also, that if such an inquiry becomes legitimate in any stage of this case the witness is not bound to answer this question, because the ballot is secret, and the contents of the ballot can only be proved by the ballot itself.

Mr. Smith withdraws the question until the cross-examination of the witness is closed.)

Cross-examined by Mr. Schalck:

I met with this accident fourteen years ago; before then I was living in Philadelphia. I was hurt on the railroad; my arm was crippled; my left arm. At the time of the accident I was a stranger here, and they took me to the poor-house to be treated. I was laid up about three weeks, when I was appointed gatekeeper, and have been gatekeeper from that time until now. My duty is to watch the paupers as they go in and out, and not to let any one go out unless they have tickets or go to their work. It requires me to be there all the time.

Q. State whether you are kept there now as a pauper, or whether you are there as a regular workingman or employé of the institution.—A. Of course I came there as a pauper; now it is another thing; I am there now as a workman, having business day and night as a gatekeeper. My bargain is that I remain there in my position as gatekeeper and not as a pauper. There is a little office-building at the gate, which I occupy constantly. I sleep there. My victuals are brought there from the steward's table, and not from the paupers' table.

In chief:

I made the bargain with Mr. Seltzer when he was steward. I got a little wages. I made the bargain that I was to get every two months six dollars, and my victuals from the steward's table. Sometimes I bought my own clothing and sometimes they gave me clothing. My bargain is the same now. The steward gave me clothing the last year. It is in the bargain that he furnish me clothing. He don't take it off my wages when he furnishes me clothing.

Q. For whom did you vote for Congress at the last November election?

(Mr. Schalck makes the same objection as when this question was previously asked, and in addition thereto says that it now clearly appears that this witness was a legal voter at the last November election.)

A. For Reilly.

Cross-examined:

I forgot some of the names that were on the ticket. I can't remember all the names I voted for.

MARTIN HOFFMAN.

Sworn and subscribed February 6, 1877, before me.

JNO. P. HOBART, *Regist r in Bankruptcy.*

MICHAEL KELLY sworn, for Mr. Nutting.

I stay at the poor-house. I lived in Pottsville before I went to the poor-house. Immediately before I went there I lived in Palo Alto. I went to the poor-house on account of pains in my bones and inability to work. I went there on the order of 'Squire Ketner. I think I voted at the last November election. I am most sure I did. Certainly I did.

(Mr. Schalck declines to cross-examine.)

In chief:

Question. For whom did you vote for Congress?

(Mr. Smith withdraws the question for the present.)

Answer. I voted at the Seven Stars, at North Manheim election-district.

Cross-examined by Mr. Schalck:

I think I went to the poor-house two or three years ago. I have been there ever since. I was not sick at all when I went there. I had rheumatic pains. I have them now. In the summer time they are not so bad. I work there; us fellows all work when there is anything to do. I work for my living down there. I do all sorts of work that the farmer tells me to do. I get nothing for my work. I never asked any wages. When I was beholden to go there I was very glad to have a place to go to. I work for my board and clothing.

In chief:

Q. For whom did you vote for Congress at the last November election?

(Objected to by Mr. Schalck for the reasons as formerly stated.)

A. I voted for Reilly.

Cross-examined by Mr. Schalck:

I can read. I saw Reilly's name, and Stoffregan's, too, on the ticket.

MICHAEL KELLY.

Sworn and subscribed February 6, A. D. 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

THOMAS BRENNAN sworn, for Mr. Nutting.

I stay at the Schuylkill County poor-house. I voted at the Seven Stars, at the North Manheim election-district, at last November election. I lived in Mount Carbon before I went to the poor-house. I took sick and had to go there.

Cross-examined:

It is seven years ago since I went there. I was out a few months a year ago, but had to go back, and have been there ever since. I don't feel very well the greatest part of the time. I am sometimes sick and sometimes well. I board at Grimes's tavern in Mount Carbon part of the time, and part of the time near where the rolling-mill is built—about two hundred yards north of the rolling-mill. I was at Port Clinton before I went to the poor-house. I was working there for Mr. Reilly. My home continued to be at Mount Carbon. Before I went to Port Clinton I boarded at Palo Alto. I had no particular residence and no particular home. It is about twelve years since I boarded near the rolling-mill. I am working every kind of work on the farm at the poor-house that they put me to.

Question. Do you work for your board and clothing, or are you kept

there as a pauper?—Answer. I generally get a little wages for working in the harvest-field and repairing fences. I got wages last year. I got some. I generally get a little wages. I get my board and clothing as a pauper. I sometimes buy a little clothing.

Q. Do you get your board and clothing as a pauper, or do you work for your board and clothing?—A. I stop there, and work of course; and I get a little money for harvest and to repair fences. I get this money, I suppose, as compensation for my work. I voted at that poll the year before last.

Q. Had your vote before that been objected to?

(Objected to by Mr. Smith as irrelevant.)

A. No, sir; never. I was not objected to any time I came to the polls.

In chief:

The election officers did not object to my vote. No outsiders objected to my vote.

Q. For whom did you vote for Congress at the last November election?

(Objected to by Mr. Schalck for the reasons before stated.)

A. For Mr. Reilly.

Cross-examined:

I cannot read; Mr. Kelly (Michael) read it to me as I was going up to the polls. I don't know, but I understand that he did read it correctly. I am not very sure that Mr. Kelly told me the truth or not. I get my board at what they call the farmer's table, work or no work. They call it the farmer's table because it is a little better than the other one; I mean the common table for the paupers. The farmer's table is for the hands that work on the farm, and I am one of them.

In chief:

By hands working for the farmer I mean the paupers who are working for the farmer. Those who are able to work get a little better provision than the others. I have no bargain for any money. They only give it to me when I do that kind of work. It is something like a little pocket-money or spending-money that they give me.

his
THOMAS + BRENNAN.
mark.

Sworn and subscribed February 6, A. D. 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

DARBY MULLEN sworn, for Mr. Nutting.

(Counsel for incumbent, objects to the examination of this witness, Darby Mullen, because the name is not on the list of witnesses to be examined to-day, given in the notice served upon the incumbent, here produced by the contestant himself.

Counsel for contestant refers to the notice, and points out the name of M. Mullen as the name of the witness in the notice referred to, and that the witness is known as Martin Mullen as well as Darby Mullen.)

I stay at the Schuylkill County poor-house. I voted at the last election at the North Manheim election-district, at the Seven Stars. I lived in New Philadelphia, Schuylkill County, just before I went to the poor-house. New Philadelphia is a borough. Some call me Martin Mullen, and some call me Darby Mullen; I answer any. They call me one as much as the other.

(Counsel for incumbent, having protested against the examination of this witness for the reasons above stated, declines to cross-examine.)

In chief:

I went to the poor-house because I was sick and not able to support myself.

Question. For whom did you vote for Congress at the last November election?

(Objected to by Mr. Schalck for the reasons before stated, and that it does not appear that the witness is not a legal voter.)

Answer. I voted for Reilly.

Cross-examined by Mr. Schalck, reserving all objections:

I cannot read. I opened the tickets and read them. I could read a little print, but no writing, though. I read Reilly's name on the ticket I voted; that was all the name I read. I have been at the poor-house fifteen years constantly. I was sick when I went there. After I got well I staid there, and when I was able to work I worked. I did laboring, worked on the farm, as I was ordered to do. From the time I got well when I went there until now I worked whenever I was able to. I get what I eat and wear for my work; I work for my board and my clothing. I had been voting at this poll this good while; ever since I came to the poor-house. My vote has never been challenged or objected to.

In chief:

Q. Did you yourself pay a State or county tax within two years prior to the last November election?

(Objected to that it is immaterial whether the witness himself paid the tax, the witness producing and incumbent's counsel now exhibiting, to Darby Mullen, of county tax for 1875, paid October, 1875, and signed by C. A. Moyer, the collector of said township.

Contestant's counsel replies that the witness is being examined in chief, and counsel for incumbent cannot interlope any assertions or produce papers to forestall the answer of the witness.)

A. No, sir; it was paid for me. I cannot tell who paid it. I got my receipt for it in the office at the poor-house. I got it before election-day.

Cross-examined by Mr. Schalck:

(Receipt, dated October 1, 1875, from C. A. Moyer, collector of North Manheim Township, to Darby Mullen, for 75 cents, for county tax for 1875.)

This is the receipt I got for my tax. My right Christian name—I was called Darby, or Jerry, or Martin a good many call me—my Christian name is my right name, and that is Darby.

his
DARBY + MULLEN.
mark.

Sworn and subscribed February 6, A. D. 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

REUBEN LUCKENBILL sworn, for Mr. Nutting.

I live in North Manheim Township. I voted at the last election—last November—at the Seven Stars, North Manheim election-district.

Question. When did you move your family out of the election-district of North Manheim into South Manheim election-district?

(Objected to because the question assumes a matter of which there is no evidence, to wit, that the witness had moved his family out of North Manheim Township.)

Answer. I can't exactly tell the date, but I think it was about five days before the election. I lived about two months in South Manheim Township, when I moved back again. I live now just south of Cressona, in North Manheim Township, where I lived before I moved to South Manheim.

Cross-examined by Mr. Schalck:

I moved back to the same house where I lived before, to my own property; it was my own property when I moved out of it. I moved over to my wife's parents in South Manheim, on a farm. I moved there to stay there, but I could not stay there; I could not agree with the old folks. I did not sell my property when I moved away from it. I expected to return to my own property. It was of course not my expectation to return to my own property right away, but I thought it might be so. I went over on a trial, as it were, and if it did not suit me I would return to my old home.

Q. Then you did not give up North Manheim Township as your home, did you?—A. No, I did not; I continued to consider that my home.

Q. Then state whether or not it was with that view, considering North Manheim Township as your home, that you voted at North Manheim election polls at the last election?—A. Yes; and while I had possession there yet. I had a car of coal there yet, two tons of hay, straw, barrels, and I don't know what it all was. My home was not rented away right away, nor occupied by others right away.

Q. One reason for that was, that you expected to return to your home in North Manheim Township, was it not?—A. Yes, sir.

In chief:

I moved over to my father-in-law about five days before the election. The place from which I moved is a small farm, and the place I moved to, my father-in-law, is a small farm also.

Q. What was the understanding with your father-in-law, when you moved over? How long were you to live there, and what were you to do there?

(Objected to, because the witness has not in his cross-examination, nor in his examination in-chief, testified to or concerning any bargain or understanding between him and his father-in-law, and that such bargain or understanding, if any existed, is the private business of this witness, concerning which the contestant has no right or business to inquire, and that the witness's testimony concerning his intention or expectation to return to his home in North Manheim Township gives the contestant no right to inquire into his bargain or private business.)

A. I went there with the intention to keep them on the farm, but I only went there on a trial for a while, to try it. I intended to work my father-in-law's farm and keep them for the use of the farm. I intended to rent my own farm if I should stay there. I changed my mind about three weeks before I moved back, and determined to move back again. It was four or five days, about, after the election that somebody moved into the house that I had moved out of before the election. I can't say whether I had arranged with the man to move into my house before I moved away or not.

Cross-examined:

When I moved over to South Manheim it was only for a trial and not

with the intention of making that permanently my home. The idea was that if it did not suit me I would return back to North Manheim Township, and I did not consider South Manheim as my home.

In chief:

If I had known that I would have moved back in two months, I would not have moved over.

Q. When you arranged to move over, did you or did you not expect to remain with your father-in-law at least a year?—A. No, sir; I can't tell, because I did not know it. It might have been a day, it might have been a week, or longer. I made no calculation at all.

Q. You stated here that if you had known that you would move back in two months, you would not have moved over. Now tell us, whether or not you expected to stay at least a year when you moved over.—A. That was what I said a while ago, I could not tell how long I would stay. I can't tell how long I expected to remain. I could not say that the day I moved.

Q. For whom did you vote for Congress at the last November election?

(Objected to for the reason heretofore stated.)

A. I voted for James B. Reilly.

REUBEN LUCKENBILL.

Sworn and subscribed February 6, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

THOMAS WICKHAM called for Mr. Nutting.

(Mr. Schalck objected to the witness being sworn because his name does not appear on the notice.

Mr. Smith calls the attention of the counsel for the incumbent to the fact that the name of the witness does appear on the notice, and is spelled "Wigian," and is returned as having voted by that name at the last election.)

Witness sworn.

I stay at the Schuylkill County poor-house. I voted at the last election at the Seven Stars, North Manheim election-district. I lived last in Ashland before I went to the poor-house. I went to the poor house for medical treatment. I had fallen down on the sidewalk and broke my wrist. It was in 1868, I think. I had no other way to do than to go there. I had no home. I have been there ever since.

Cross-examined:

The broken wrist was all the ailment I had when I went there; it was the wrist of the left arm. I had no family in Ashland. I was at the poor-house for medical treatment for over two years. Before my wrist was healed I fell down and broke my right hip, and that is the cause of my being so long under medical treatment. After I recovered I did tailoring work the same as I did outside, and am still doing the same kind of business. I am a tailor by profession. I do the tailoring down at the poor-house. I do all the new tailoring work belonging to the place, and also repairing work, if the steward says so. I am constantly engaged. There is an overplus of work there; as much as five of us could do; there are only two of us there doing tailoring work; we have a regular tailoring-shop there, with benches, tools, sewing-machines, and all other appliances for a tailor-shop. I never went there as a pauper yet. I went under medical treatment. I never made application as a

pauper. I am not there now as a pauper. I get my meal every morning from the steward's table brought up to me. The steward's table is not for paupers; just as he chooses, he can give or not. Mr. Beck appointed me tailor in the place of the one who had been there before. I am treated as a person who is employed there; get money when I ask it; get the best of clothes, and anything I want. The tailor who went away had $2 a week, and Mr. Beck agreed to give me and my assistant the same (Mr. Kieffer.)

In chief:

I never had a settlement yet with the steward; whenever I want money Mr. Beck draws it and gives it to me. I asked him this morning for $5 and got it. I have paid a State or county tax out of my own pocket within two years. I think I paid it to Mr. Heffner, the collector. I paid it on November 3, 1874.

Cross-examined:

I have a tax-receipt for 1876. It is for countytax for 1876; it is dated October 7, 1876. from Thomas Wickham; that is my correct name.

In chief:

I got this receipt in the office at the poor-house. All men that are entitled to vote go into the office and get their receipts. The receipts are all got ready there, and when we want them we go and get them; we get them a long time before the election. I don't know who got the receipts from the collector, whether Mr. Beck or the Democratic county committee; I could just go in and get it; it was on the desk with the others.

(The receipt shown by witness is in the name of thomas "Wigham.")

Cross-examed:

The steward has to keep my account whatever he pays out he charges to me, and I must put my name to it. Whenever he gives me any money I put my name to a receipt. He does not charge any money to me except what he gives me in person. I have not seen my account lately. I don't care to see my account until I am ready to leave, and then whatever Mr. Beck has in his book for me I expect to get. I can't say what was charged against me. I made no inquiries about it.

In chief:

Question. Who did you vote for for Congress at the last November election?

(Objected to for the reason heretofore stated, and also because the witness is a legal voter, and therefore his vote cannot be inquired into.)

Answer. The whole Democratic ticket. I voted for James B. Reilly. That's the man.

THOMAS WICKHAM.

Sworn and subscribed February 6, A. D. 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

BALTHASER KIEFFER sworn, for Mr. Nutting.

(Mr. Schalck objects that the witness's name appears on the notice as B. Keffer.)

I stay at the Schuylkill County poor-house. I am there four years. I lived in Minersville before I went there. I went there because I froze my feet working at the coal. I had no other place to go to. I had no

money to pay my way. Minersville is a borough in this county. I voted at the last election, last November, at the Seven Stars, North Manheim election-district.

Cross-examined:

I have been at the poor-house four years. I have no family, and had none when I went there. It took about two months before my feet got well. I went there to get medical aid for my ailment, and since that I have been at the poor-house. After I got better I went to work at the tailoring business. I work every day. I am a tailor by trade. I am there now as a tailor—and not as a pauper—and working man. I work for my board and clothing. I and Mr. Wickham do the tailoring work for the poor-house. We make the new clothing for the people there. We have a regular shop there, with all the tools, sewing-machine, and other tools there. I am always kept busy. I have a great deal to do. I am kept there and treated as a working man, and not as a pauper. We get pay for the work.

In chief:

I eat at the same table with the farmer. I eat at the table. I work at the tailoring because it is my business. We get nothing by the piece. I have no bargain. I sometimes get money when I go away. I have no bargain that they must give me money. I have paid a State or county tax within two years.

(Witness produces two tax-receipts. His attention is called to one dated October 7, 1876.)

I got this receipt in the office at the poor-house. Mr. Beck gave it to me.

Question. Do you know whether the tax called for in the receipt was paid or not?

(Objected to, because the receipt itself is conclusive evidence that the tax has been paid, and whether paid or not, or by whom paid, is immaterial. Further, that the witness has produced another tax-receipt for county tax in his name dated December 2, 1874, which of itself is sufficient to enable him to vote, even if he had paid no tax in 1876, and therefore the inquiry as to the tax of 1876 is immaterial and irrelevant.

Counsel for contestant states that he has questioned witness about one receipt only, and denies the right of the opposite counsel to interfere with him in examining the witness and interpolate evidence of his own.)

Answer. I know that this tax is paid. The poor-house paid it. The tax-collector came there. I saw the money paid. I did not see it, but it was paid.

Q. If you did not see it paid, how do you know that it was paid?

(Objected to on the ground that it is a cross-examination of his own witness, which is not proper, in addition to the reasons before stated.)

A. The way I know it is that if it was not paid I would not have the receipt.

(Witness shown receipt dated December 2, 1874, for State and county tax for 1874, signed George Heffner, collector.)

I got the receipt also from Mr. Beck, the steward. I did not see the money paid for this receipt. I cannot tell whether it was paid or not. I think Mr. Beck paid it. When I went to vote Mr. Beck gave me the eceipt.

Cross-examined:

It was the governor's election in 1876 that Mr. Beck gave me the first

receipt. It was given to me about two years ago. Mr. Beck, the steward, had paid for that receipt. For the tailoring-work I do I get money besides the board and clothing. Mr. Beck paid this tax for me in 1874 in place of paying me so much money. My arrangements are that I get money down there whenever I need it, and if I needed money to pay taxes and such little matters I could get it from the steward, and it made no difference to me whether the steward paid these taxes for me or gave me the money and I had paid them.

In chief:

Q. For whom did you vote for Congress at the last November election?

(Objected to for the reasons heretofore stated, and that the witness appears from the testimony to be a legal voter, and therefore his vote cannot be inquired into.)

A. For James B. Reilly. I don't know where Mr. Beck got the money to pay taxes. That he would not tell me. The money that was given me from time to time was not given as wages, but only was given when I wanted it. It was spending-money.

Cross-examined:

If I had not worked down there I would not have got any money. The money I got was as a reward for my work. I do not know whether the money I got was a reward or present to me or whether it was wages for my work. The steward gave it to me, whether it was a present or wages. Mr. Wickham was in the tailor-shop when I came into it. He was the witness just on the stand. I do not know what arrangements he made with the steward or directors, for himself or for me, if any. He was there before me, and was the boss of the building. I never asked Mr. Beck where he got the money from with which he paid my tax. When I said before that Mr. Beck would not tell me where he got the money to pay my taxes I did not understand the question, and did not mean to say so, for I never asked Mr. Beck, and do not know whether he would tell me or not.

In chief:

This tailor-shop, the sewing-machines, and other tools in it, belong to Schuylkill County.

BALZER KÜFER.

Sworn and subscribed February 6, A. D. 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

PETER REILLY sworn, for Mr. Nutting.

I live in East Manheim election-district. I have lived there between thirty and forty years. I voted at the election last November in that district.

Question. Have you yourself paid a State or county tax within two years previous to the last November election?

Mr. Schalck asks that the object of the question be stated.

Mr. Smith replies that the question itself implies the object, and declines to state any further object.

Mr. Schalck objects to the question, because it is immaterial and irrelevant whether the witness himself paid a State or county tax within two years, or whether some one else paid that tax for him; and as the evident purpose of this question is to show that the witness himself personally did not pay such tax, counsel for incumbent objects to the evidence.)

Answer. I could not tell whether it was myself or the old woman that paid the tax. She pays when I am not there. It is my opinion that if neither of us paid it, we would not have the receipt. I have receipts.

(Witness produces receipt dated October 13, 1875, for $3.75, county, road, and school tax for 1875.)

his
PETER + REILLY.
mark.

Sworn and subscribed February 6, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

JAMES SALMON sworn, for Mr. Nutting:

I live in East Norwegian Township; I have lived there eleven or twelve years. I voted at the election last November. I paid myself a State or county tax within two years of the last election. I paid it to the tax-collector. The collector's name is William Comer. I paid the tax in 1875. That is the only one I paid within two years. I am a married man. The receipt I produce is for taxes assessed to me and paid by me. I paid it myself. There is not another James Salmon in East Norwegian. There is one in Palo Alto. He did not at any time live in my township to my knowledge.

JAMES SALMON.

Sworn and subscribed February 6, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

MICHAEL BOLAND sworn, for Mr. Nutting.

I live in East Norwegian. I voted at the election last November. I have paid a State or county tax within two years of the last election. I paid it to the tax-collector, William Comer. I paid it October 7, 1876. I paid the money for it myself.

Question. Do you know whether or not you were assessed with any tax for the year 1876?

(Objected to because the witness not being the assessor cannot be supposed to know whether he was assessed or not; that the tax having been paid in due time is itself conclusive evidence of its due assessment, and whether assessed or not is a matter that must appear from the assessment-list, and cannot be here inquired of.)

Answer. I did not see my name on the assessment-list.

Cross-examined:

I did not bother about the assessment. The year previous I did bother about the assessment. I went to the tax-collector to pay my taxes for the year 1875. He did not find my name on his duplicate. He had my brother but not me. He told me he could not collect taxes of me because I was not on the duplicate.

In chief:

I can't say for sure whether he had my name on the duplicate for 1876 when I paid my taxes to him. The brother I refer to is named Morris. I believe the name of the assessor for 1876 is Edward Brennan.

Cross-examined:

I paid my tax to the collector in 1876 without any objection.

MICHAEL BOLAND.

Sworn and subscribed February 6, A. D. 1876, before me.

JNO. P. HOBART,
Register in Bankruptcy.

Mr. Smith reserves the right to recall the last witness if he considers it necessary.

BERNARD HORAN sworn for Mr. Nutting.

I live in East Norwegian, and voted at the last November election. I can't tell whether I paid any State or county tax myself within two years of the last election. I lost my tax-receipts and could not find them. I don't remember that I paid any within two years. I might have paid it in 1875, but I don't know.

Cross-examined:

I know William Comer. He was the tax-collector of my township for the last year and year before. I have paid him tax. He was collector of all taxes.

In chief:

Mr. Comer was also tax-collector for 1874.

Cross-examined:

Question. To the best of your recollection, did you or not pay a State or county tax within two years?—A. I can't tell. Mr. Comer is living in my township yet.

Q. For whom did you vote for Congress at the last November election?

(Objected to because it is not affimatively made to appear that the witness has not paid a State or county tax within two years prior to the 7th of November, 1876; that the presumption of law is in favor of the legality of this vote until the contrary is proved; that, the witness not being proven to be an illegal voter, no inquiry can be made as to how he voted; and that, whenever such inquiry becomes admissible, the ballot itself must show how he voted.)

A. For Nutting

Cross-examined:

I don't know when I lost my receipt. I looked for it yesterday, and could not find it. I can't tell when I last saw it; last year some time, I suppose. I paid no taxes last year. I can't tell whether I paid any in 1875. I have no memorandum or book to show it; nothing but the receipts. I kept them in a drawer in a bureau.

BERNARD HORAN.

Sworn and subscribed February 6, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

JOHN HANNEY sworn for Mr. Nutting.

I live in East Norwegian, and voted at the last November election. I have paid no tax within two years; I had no need to pay any. I voted on age. I was born November 27, 1854. I was twenty-two years old on the 27th of November, 1876. My mother is living. I got the date of my birth from my father before he died.

JOHN HANNEY.

Sworn and subscribed February 6, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

JAMES COMER sworn for Mr. Nutting.

I live in East Norwegian, and voted at the last election. I have paid a State or county tax within two years prior to the election; my receipts will show when I paid it. There is not more than one James Comer in

my township, that I know of. I am not the owner of any real estate. Receipts are dated the time I paid them. The tax for 1876 I paid 6th September, 1876, and those for 1875 I paid 6th August, 1875. I saw the tax duplicate, and these taxes were in the duplicate.

Mr. Schalck declines to cross-examine the witness. Mr. Smith reserves the right to recall this witness.

JAMES COMER.

Sworn and subscribed February 6, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

Adjourned to February 7, 1877, at 9 o'clock a. m.

FEBRUARY 7, 1877.

The taking of the testimony resumed. Present: Messrs. Smith and Whitehouse, for contestant, and Mr. Schalck for incumbent.

PATRICK WELSH sworn for Mr. Nutting.

I live in Blythe Township; I voted for Congress at the last November election; I voted the Democratic ticket, the whole ticket. I don't think I paid any taxes for the year 1875. I did not pay any taxes for the year 1876. I believe I paid no taxes two years previous to the last November election. I was born in Ireland. I can't say when I came. I am about twenty-five years in this country. I have naturalization-papers, but I have not got them with me. I don't think I was notified to bring them with me. I can read. I would have brought my papers, but I forgot them.

Cross-examined:

I have no tax-receipt. I can't tell if I paid my tax for 1874. When I paid my tax last I got a receipt. I don't know where my tax-receipt is; it is out of date; it is so long ago since I got one, I did not look for it, because I thought it was no use. The last time I voted I did not look for it, because I thought it was no use. I am not sure that it is over two years before last November that I paid my last tax. It may have been within the two years, but I don't remember whether it was or not.

In chief:

I voted in Blythe Township, and I voted the whole Democratic ticket. I knew that James B. Reilly was a candidate for Congress on the Democratic ticket at the last election. I did not bring my tax-receipts with me, because I haven't them. I can't tell what became of them. I believe I had no tax-receipt since 1873.

Cross-examined:

I don't know whether my taxes for 1874 were paid either by myself or by some one else for me. I don't know whether my tax for 1875 and 1876 were paid by some one for me. They were not paid by me, anyhow.

(Witness produces subpœna served on him. The subpœna calls for the production of the tax-receipts of the witness for 1875 and 1876.)

I am not sure that I have not paid any taxes since 1873. I have not for the last year, anyhow. I can't be sure if I paid my tax for 1874. When I paid my last tax I can't tell what season of the year it was. I think John Head was the collector to whom I paid my last tax. I don't know whether he collected the county tax. I did not open and read my ticket when I voted at the last November election. I asked for the De-

mocratic ticket, and they gave it to me. I cannot, of my own knowledge, say what names were on the ticket I voted.

PATRICK WALSH.

Sworn and subscribed February 7, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

ALEXANDER MCCABE sworn for Mr. Nutting.

I live in Blythe Township. I was born in Ireland. I came to this country in the year 1837. I am naturalized. I have my papers with me. (Produces papers.) I got papers before these but none after them. I paid tax for 1875 and 1876; I never missed a year; I always paid my own tax and got my own receipt.

(Mr. Schalck declines to cross-examine.)

ALEXANDER MCCABE.

Sworn and subscribed February 7, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

HIRAM MCDOWELL sworn for Mr. Nutting.

(Withdrawn for the present.)

ROBERT CONROY sworn, for Mr. Nutting.

I live in Blythe Township. I voted at the last November election. I think I voted for Congressman at that election. I paid my taxes in 1876, not in 1875. I paid my taxes the day I got my receipt; I paid it myself. my receipt is dated 22d December, 1876; I paid my tax in 1874; I did not bring my receipt for 1874; my notice only said that I was to bring my receipt for 1875 and 1876. My vote was not challenged. I did not sign any paper nor make any affidavit when I voted. I was born in Ireland. I came to this country in 1848. I was naturalized. I have my papers. (Witness produces his papers.) Mr. Armstrong was my witness when I got my last papers. I voted in Blythe Township last year.

(Mr. Schalck declines to cross-examine.)

ROBT. CONROY.

Sworn and subscribed February 7, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

WILLIAM ARMSTRONG sworn, for Mr. Nutting.

I live in Blythe Township. I am a citizen of the United States. I was born in Ireland. I came to this country in 1847. (Witness produces his naturalization-papers.) I was naturalized 8th March, 1853. I voted at the last November election in Blythe Township. I voted for Congressman at that election. I paid no tax for 1875. I paid tax for 1876. They kept my receipt at the investigation at New Philadelphia of the contested election of Fowler and Felthoff. The tax for 1876 was not paid by me, but by my wife.

Question. When did you get your tax-receipt for 1876?

(Objected to, because the receipt is the best evidence of the time it was paid or given, and the contents of the receipt cannot be proven by parol testimony unless the contestant shows its loss or destruction or his inability to produce it, and that if the tax was paid in due time, it don't matter when the witness got his receipt.)

Answer. I can't tell the month or the day of the month. All I can say is that I warned my wife to pay it in time for the election, which I thought was in October. I told her to pay it thirty days before the election. I was judge of the last election. I cannot tell whether my name was on the registered list of voters or not. I never saw the registered list of voters of Blythe Township to my knowledge. I saw something hanging up at the school-house, but never read it. I was registered once four or five years ago. There was a registered list of voters of Blythe Township at the last election on the table. I have a son by the name of William Armstrong living in the same township.

Question. Did he pay taxes in the year 1876?

(Objected to, because the son himself is the best and only witness to the fact whether he paid taxes or not in 1876, excepting possibly the collector of the township; that it does not appear that the father is the custodian of the son, or his agent in this matter, and any knowledge that the father may have is at best from hearsay.)

Answer. I won't swear he paid his tax; I don't know. The tax-receipt I speak of is mine, and not my son's, for my son is not in the county since last May. I did not show my tax-receipt at the last election. The two inspectors made a bargain to ask none.

(Objected to by Mr. Schalck.)

Question. Did that agreement apply to all voters or only to the officers of the election?

(Objected to, because it is immaterial and irrelevant what the conversation or agreement was between these two inspectors; that it is not shown or proposed to be shown that there was any fraudulent combination between them, or that any illegal votes were knowingly received by them; and that it was not a part of the duty of the inspectors to call for tax-receipts unless the voter was challenged for non-payment of taxes.)

Answer. That agreement applied to all voters. I came to this country in April, 1847.

Cross-examined:

I paid my tax in time to vote at the last election. I was called as a witness in the contested-election case of Fowler and Felthoff at New Philadelphia. I don't know who took my receipt from me. Some man standing there told the other man to file it. It was some day last week. They have not given it up to me. It was an honest receipt in every way. I have receipts in my pocket for thirty years, and never voted unlawfully. I always paid my taxes, except for 1875, when I was out of my health. They did not ask me for any. I was too bad. My wife paid my tax for 1874. I don't remember what month it was. My receipt for the tax for 1876 is dated the 16th of September, 1876. It was paid about that time. I have lived in Blythe Township thirty years next April. I have been voting there ever since I had a vote. After I had been registered four or five years ago, I never bothered myself about being registered again. I took it for granted that they would continue to register me, as before. My son William is a single man. His home was always with me until last May, when he went off to hunt work. He went to Plymouth, in Luzerne County. He took all his clothes with him. He has sent me some little support since. All I know about the agreement about tax-receipts is when we met, and after being sworn we all sat down at the table, and one of them said, "Shall we challenge for taxes to-day"? and some one replied that it was not necessary; that we knew all the voters. My opinion is that it was not from any fraudulent intent, but just to

save the bother of challenging votes that we believed to be legal. We did challenge four votes, and two of them got votes and the other two did not. By we, I mean the election-officers.

In chief:

Question. For whom did you vote for member of Congress at the last election?

(Objected to for the reason heretofore stated, and also because it very clearly and conclusively appears from the testimony in the case that this witness was a legal voter at the last election, and therefore the contestant, nor any other person, has a right to inquire how he voted.)

A. Well, I voted for Reilly, and I don't the others.

Cross-examined:

I can read. I opened my ticket so far as to see Reilly's name. I did not open it any further, because I did not know any of the other men. I paid my county tax for 1876, and building tax, and that is what I have the receipt for. I did see the registered list of voters for Blythe Township for 1876, either at the poll or in the tavern where the election was held.

WILLIAM ARMSTRONG.

Sworn and subscribed February 7, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

DENNIS HEDE sworn, for Mr. Nutting.

I live in Blythe Township. I voted there at the last general election in November last. I did not pay a State or county tax in 1875; my brother paid it for me. If the tax had not been paid, my property would have been followed for it. To the best of my opinion, my brother paid it.

Question. Where did you receive your receipt for State and county taxes for 1875?

(Objected to on the ground that the receipt itself shows that the taxes were paid on the 8th day of December, 1875, and it appearing from the evidence that the witness's brother paid these taxes for him, it is immaterial and irrelevant when the receipt itself was actually handed over to the witness.)

Answer. Last Friday week, before I went to Tamaqua. I paid my taxes for 1876 on October 13, 1876.

Cross-examined:

I have property in Blythe Township. I have a house and lot. It is in my name. There has been no claim nor levy made upon my property for these taxes for 1875. To the best of my opinion, I would have heard of it if my taxes for 1875 had not been paid. It would have been followed up. The receipt which I now produce for taxes—for county and other taxes for 1875—dated 8th December, 1875, is my receipt.

In chief:

My brother, John Hede, was collector of taxes in Blythe Township for 1875.

Q. For whom did you vote for member of Congress at the last election?

(Objected to for the reasons heretofore stated.)

A. To the best of my opinion, I voted the Democratic ticket.

Cross-examined:

To the best of my opinion, I did not read the ticket I voted at the last

election. To the best of my opinion, I don't know of my own knowledge what names were on the ticket I voted.

In chief:

I voted the Cooper Presidential ticket, and the Democratic State and county ticket.

Q. Do you not know that James B. Reilly was the Democratic candidate for Congress at the last election; and did you, or not, vote for him? (Objected to on the ground that the witness has testified already that he did not know what names were on the ticket that he voted, and being contestant's own witness he cannot contradict or impeach him.)

A. As I told you before, I knew that he was, and that I voted the Democratic ticket according to principles, to the best of my knowledge.

Cross-examined:

My intention was to vote the Democratic county ticket, but not having opened or read the ticket I voted, I cannot swear that I voted the Democratic ticket; and therefore I cannot swear here that I voted for Mr. Reilly. For all I know the ticket I voted might have had Mr. Nutting's name on it as well as Mr. Reilly's for Congress.

(Mr. Smith, for contestant, offers in evidence receipt to Dennis Hede for taxes for 1875, spoken of by witness, and marked "J. P. H., No. 2."

Cross-exanined:

To the best of my opinion, my brother paid my taxes for 1875 in 1875.

In chief:

Q. Do you know of your own knowledge whether your taxes for 1875 were paid or not by anybody?

A. That you can easy find out if you go up to the court-house, as my property would have been returned if they had not been.

Counsel for contestant repeats the question.

A. Didn't I answer that question before?

Question repeated.

A. I answered that question. Did not my brother certify that he did pay them; I mean that this receipt is a certificate that he paid them?

DENNIS HEDE.

Sworn and subscribed February 7, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

PATRICK CARLIN sworn for Mr. Nutting.

I live in Blythe Township. I voted there at the general election last November. My mother paid my tax for me 1876—my voting tax. To the best of my opinion, my mother paid it a month before the election.

Question. Was your tax for 1876 paid out of your October wages or not?

(Objected to, because it don't make any difference out of what month's pay it was paid, and therefore the testimony is irrelevant.)

Answer. It was paid before the election, to the best of my opinion.

Q. Do you know at what time you received your last pay before the election?

(Objected to on the ground that it is immaterial out of what money it was paid and when the witness received his pay.)

A. It was on the fifteenth of the month before the election.

Q. And if your mother paid the tax, it was paid out of that pay?

(Objected to because it is leading.)

A. Yes, sir. I got a receipt for it. I did pay a State or county tax

for 1875. The tax for 1876 was the only tax I paid within two years previous to the election. I got a tax-receipt for 1875 from Eddy Connelly. He was a young man from Silver Creek. He was not a tax-collector.

Cross-examined:

My tax-receipts are in Tamaqua. I was called as a witness in the Fowler and Felthoff contest, and they took my receipt from me. They took the two of them: the one I got from O'Donnell, the tax-collector for Blythe Township in 1876, and the one I got from Connelly. I do not remember the date of the receipt of O'Donnell.

Q. Tell us, as near as you possibly can, the exact time when this tax for 1876 was paid.—A. I can't tell you no nearer than I have told you. If the fifteenth of the month fell on Saturday they would not pay till the following Monday.

Q. Had you or your mother any money left in the beginning of October from the pay of September?

(Objected to as immaterial and irrelevant, and not a cross-examination.)

A. I don't know.

Q. Are you sure that your taxes were not paid until after the fifteenth of October, out of your October pay, or may your mother not have paid them in the beginning of October out of the balance of your former wages?—A. All I know is what I told you, that she paid it out of the pay before the election. The receipt I got from Connelly was Hede's, and that was a receipt for the taxes of 1875. I got it before the election, to the best of my opinion; before the township election. I don't mind the time I got it. It was more than thirty days before the last election in November, 1876. Connelly brought me the receipt, and I kept it until they took it from me in Tamaqua. I don't know who paid the tax for which Connelly brought me the receipt.

In chief:

I don't know who put Hede's name to the receipt. I don't know whether the name was John Hede or James Hede. The receipt called for the taxes of 1875. It was for voting-tax. It was Johnny Hede that was tax-collector at the time this here was got.

Cross-examined:

I believe it was the voting-tax that he collected. To the best of my opinion, it was the receipt of John Hede that I got.

In chief:

I don't know whether there was any money paid for the tax-receipt or not.

Q. For whom did you vote for Congress at the last election in November?

(Objected to for the reasons heretofore stated. Counsel for incumbent here instructs the witness that he is not bound to answer the question.)

A. I asked for a Reilly ticket. I did not vote that ticket. They gave me another ticket out of the window. Hugh McGittigan reached the ticket out of the window to Dick Coogan, and he reached it to me, and I put it in. Hugh McGittigan was one of the men that was inside. I don't know what he was doing there.

Cross-examined:

Dick Coogan was inside of the window, too. I did not open or read

the ticket that Dick Coogan gave me. I cannot state whether Nutting's name or Reilly's name was on the ticket that I voted.

his
PATRICK + CARLIN.
mark.

Sworn and subscribed February 7, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

MICHAEL FLANAGAN sworn for Mr. Nutting.

I reside in Blythe Township. I voted at the last election in Blythe Township. I, myself, paid a State or county tax within two years of the last election. I paid it for 1876. I did not pay any in 1875. The only tax I paid within two years of the last November election is the one I paid in 1876. I paid it on the 27th of September, 1876. I paid it at my own house. I know it was on the 27th of September, because it is on the paper that the tax-collector gave me. He noticed me first to pay the taxes, and I had not the money, and I told him to come again and to be sure and not to come too late. I paid him the tax on the day this receipt was written. I remember the day myself, and after he went out I looked to see if the date was right, and found that it was right.

(Mr. Schalck declines to cross-examine the witness.)

MICHAEL FLANAGAN.

Sworn and subscribed February 7, A. D. 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

PETER BORAN sworn, for Mr. Nutting.

I live in Blythe Township. I voted there at the general election in November, 1876. I paid my taxes for 1876. My receipt is in Tamaqua. I paid tax in 1874. I did not pay tax for 1875. I paid my tax for 1876 after the election.

Cross-examined:

I did not pay any of my taxes for 1876 before the election. I don't know whether any taxes were paid for me by any one for 1875. The tax that I paid in 1874 was for the year 1874. I don't remember what time in that year I paid it.

Question. May it not have been paid after the 7th day of November, 1874?—Answer. I can't tell nothing about when it was paid. I don't know whether I paid any taxes or not within two years before the 7th of November, 1876, or not.

In chief:

I voted in 1874, when Reilly ran for Congress. I can't tell whether I paid the tax for that year before or after I voted. I can't mind now whether I was called to show my tax-receipt at that election.

Q. For whom did you vote for Congress at the last November election?

(Objected to for the same reasons heretofore given.)

A. When I went there, I went to vote the Democratic ticket. I can't tell who I voted for. I calculated to vote for Mr. Reilly for Congress.

Q. Do you or do you not calculate that you voted for Reilly?

(Objected to for the reasons before stated, and that the witness is not obliged to answer that question. Mr. Schalck instructs the witness that he is not obliged to answer that question.)

A. I don't think I have any need of answering that.

Cross-examined:

I can read print but not writing. I can't tell whether I opened and read the ticket that I voted at the last election. I can't tell the names that were on the ticket. I don't remember having opened and read the ticket that I voted.

his
PETER + BORAN.
mark.

Sworn and subscribed February 7, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

(Mr. Smith reserves the right to recall and re-examine this witness.)

Peter Boran recalled, for Mr. Nutting.

Question. Do you or do you not calculate that you voted for Mr. Reilly?

(Objected to for the reasons before stated, and also that the witness's calculations are not evidence of how he voted, being at best guess-work and surmise.)

A. I told you before that it was my calculation to vote for Reilly. That is all the answer that I can make to that question.

his
PETER + BORAN.
mark.

Sworn and subscribed February 7, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

(Mr. Smith reserves the right to recall and re-examine this witness.)

JAMES FISHER sworn, for Mr. Nutting.

I live in Blythe Township. I believe I voted there at the general election in November last. I believe I paid a State or county tax within two years prior to the last election. I have the receipts here. I cannot either read or write. I know I paid money for this. I can't tell for what year it was. It might be two years or more since I paid the tax for 1874. The other I paid since. The tax for 1876 I paid since. I remember that there was an election in 1874. I don't remember whether Reilly ran for Congress in 1874. I remember the election, and I remember Reilly's name mentioned as a candidate, but I don't remember what he was running for. I can't tell whether I paid my tax for 1874 before or after that election. I believe I was born in Ireland. I remember coming to this country, but don't remember what time. I remember being four or five years in this country before my father gave me free—to be of age—before he acknowledged me to be twenty-one. I don't know how old I am now. I may be fifty years now for all that I know, or I may not be. My naturalization-papers are left in Tamaqua at the Fowler-Felthoff investigation.

Cross-examined:

Question. From all that you know concerning your age, is that you were in this country four or five years before your father told you that you were twenty-one years of age?—Answer. I don't remember that he ever did tell me that I was twenty-one, though I had asked him. I got no decided answer from him until he got old and died, and so I had to form my own ideas of my age. All that I told about my age is guess, work, except that I questioned my father. I had asked him several

times was I twenty-one, and that he did not give me. It is on the old receipt that I voted at the last election. I never used this new receipt.

(Witness produces a receipt for taxes of 1874, dated December 23, 1874, for $1.50, signed by John Hede, collector. Receipt is for county tax for 1874.)

I got this receipt at the time I paid the tax. I paid the money before I got the receipt. It might be two days after I paid the money before I got the receipt; it might be more; I could not say. I don't know whether he had the receipt with him when I paid the money. I sent the money, and he sent the receipt back afterward. It could not be much more than two days after I sent the money that he sent back the receipt.

In chief:

I had this receipt with me at the polls at the last election, but they did not ask it. I had it in my hand and said it was here, but they said they did not want it. I received my naturalization-paper at once. I had no first paper. I had not declared my intention to become a citizen two years before I got my paper.

Cross-examined:

I could not begin to tell you when I got my citizen-papers. I remember that I got them here in Pottsville, but I cannot tell when. It may be twenty-four or twenty-five years ago; I can't go any nearer than that. It may be more, it may be less.

Q. When did you find out that you were twenty-one years of age, if you ever did find it out?—A. I found out that I was twenty-one when I remembered things that I seen and heard twenty-one years before that. My father died about twenty-five years ago, less or more; I can't say. After I was four years in the country I asked my father whether I was twenty-one years of age, and he would not tell me that I was.

In chief:

I don't remember that I voted at the election in 1874.

Q. For whom did you vote for Congress at the last November election?

(Objected to for the reasons heretofore stated, and that it does not appear that the witness was not a legal voter at the last election.)

A. That is too much for me to answer. I am not able. It is not in my power to tell that. I went to the poll and intended to vote for Peter Cooper. I had no intention to vote the rest of the ticket. I asked for the Cooper ticket, and they asked me would I not vote the county ticket; I said I don't care, and I voted it. I did not know what it was; I could not read it anyhow.

his
JAMES + FISHER.
mark.

Sworn and subscribed February 7, A. D. 1876, before me.

JNO. P. HOBART,
Register in Bankruptcy.

JOHN HOLLERAN sworn for Mr. Nutting.

I live in Norwegian Township, and voted at the last election; I can't tell that I paid a State or county tax inside of two years of the last election; I have lived in the township over twenty years.

Cross-examined:

I have a tax-receipt here. (Witness produces a receipt). This is

the receipt. (Receipt dated December 27, 1875, for $2.95 for State, county, road, and school taxes for 1875, signed by John Hanney, collector.)

In chief:

I believe I got that receipt last fall; I got it before the election, anyway; I am sure of that; I believe I got it four or five months before the election; I got it at the court-house at Pottsville; Squire Hanney left it there for me; I got it in one of the offices in the court-house; I don't know in what room; Mr. Boreman, the lawyer, handed it to me; I paid the amount of that receipt to Mr. Boreman; Mr. Boreman was not the tax-collector, but Mr. Hanney was; there was some money Mr. Boreman had to pay to me, and he took this out.

(Mr. Smith reserves the right to recall this witness under his notice.)

his
JOHN + HOLLERAN.
mark.

Sworn and subscribed February 7, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

PETER BORAN recalled.

Question. For whom did you vote for Congress at the election in November last?

(Objected to for the reasons heretofore stated.)

Answer. I believe for Reilly.

Cross-examined.

I told you before that that was my calculation, and I believe that I did; I believe I voted for Reilly, because it was my calculation to do so; the man I got the ticket from was giving out those tickets; I can't say that I actually did vote for Reilly, but believe I did; It was my calculation to do so; I took the man's word for it that Mr. Reilly's name was on the ticket; I did not know that Mr. Reilly's name was on it; I only took the man's word for it.

his
PETER + BORAN.
mark.

Sworn and subscribed February 7, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

PATRICK WHELAN sworn for Mr. Nutting.

I live in Blythe Township, and voted at the last election in that township; I paid all my taxes within two years of the last election; I paid the county tax for 1876 somewhere about the commencement of August; John Hede, the collector. gave me the receipt for the taxes of 1875.

his
PATRICK + WHELAN.
mark.

Sworn and subscribed February 7, 1877, before me.

JNO. P. HOBABT,
Register in Bankruptcy.

BARNEY DOUGHERTY sworn for Mr. Nutting.

I live in Blythe Township; I voted there at the general election in November last; I paid a State or county tax within two years prior to the election in November, 1876; I have a receipt for 1876, but they kept it in Tamaqua; the last receipt I had was for the tax of 1876, which

I paid; I must have paid it in September; my old woman paid it. I was born in Ireland; I think I came to this country about 1849. I was present when my wife paid my tax; she paid for my son, Hugh Dougherty, and myself at the same time; it was about the end of September; I did not pay any tax in 1875, but I did in 1874—in August, 1874; I own no real estate; no house and lot; I paid the tax for 1876 to Bernard O'Donnell.

Question. For whom did you vote for Congress at the election in November last?

(Objected to for the reasons heretofore stated, and that it appears that this witness was a legal voter at the last election, and that the legality of his vote not being in anywise impeached, it is not proper to make this inquiry.)

Answer. To the best of my knowledge I voted the Democratic ticket, both for the county and the President; I can't say that I know James B. Reilly personally; he was on the ticket that I voted.

Cross-examined:

The tax-collector gave me the notice for taxes, and he called again and got the taxes. (Notice dated August 4, 1876.) I think it was in the next month, in September, that he called again, and the woman paid him the taxes; he left a receipt at my house at the time he got the money from the old woman. I am a citizen of this country, and have my naturalization-papers here; I think I got them in 1860.

BARNEY DOUGHERTY.

Sworn and subscribed February 7, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

HUGH DOUGHERTY sworn for Mr. Nutting.

I live in Blythe Township. I voted at the last election. I did not pay a State or county tax within two years of the last election. My mother paid them. I don't know what month she paid them. It was before the election. That was the only tax that was paid for me within two years of the last election. I was in the house when the collector was there; but I did not see my mother give him the money. I have no idea how long before the election it was—whether it was ten days or twenty days.

Cross-examined:

I am the son of Barney Dougherty, who was just examined here. I had a receipt for the tax of 1876, but I have not got it now. It was kept from me up at Tamaqua. I laid it on the table and never had it returned to me. I got this tax-receipt in my house after the collector had left. No one gave it to me. It was left on the bureau, and I got it myself. I lived with my parents up there. I can't say whether it was over a month before the election when my taxes were paid. It may or may not have been; I don't know. I don't remember the date of the receipt. I don't know how long it was after the receipt was left in the house that I first saw it. I don't know whether the receipt was made in time to enable me to vote at the election. I don't know how long it was before that. It might have been a month, or more or less; I don't know.

In chief:

Question. For whom did you vote for Congress at the election in November last?

(Objected to for the reasons heretofore stated.)

Answer. I don't think I voted for any county office. I think I did not vote any but the Presidential ticket.

HUGH DOUGHERTY.

Sworn and subscribed February 7, 1877, before me.

JNO. P. HOBART, *Register in Bankruptcy.*

JAMES DOYLE sworn for Mr. Nutting.

I live in Blythe Township. I voted there at the last election. I did not pay a State or county tax within two years of the last election.

Cross-examined:

I can't tell how old I am. I am over twenty-two. I can't tell when I was twenty-two years. I was not under twenty-two when I voted at the last November election. I don't know when my birthday is. My father's name is William Doyle. He is dead. He died four or five years ago. My mother is living. She is living in Blythe Township, above New Philadelphia. I can't tell whether there is any record or writing in my house by which I can tell how old I am. I can't read.

Question. How do you know, then, that you are over twenty-two?—Answer. I can't tell that. I heard my mother tell that I was over twenty-two. I can't tell when my mother said that. I don't know to whom she said it. I did not vote on age at the last election.

Q. Did you vote at the last election without having paid a tax on the ground of your being between twenty-one and twenty-two years of age?—A. I can't say that. I paid tax for 1876 after the election. That was the first tax I paid. I don't know whether or not my mother paid any taxes for me. I don't know where I was baptized, or when. My father never told me what my age was. I can't say whether my mother told me what my age was. I can't swear now whether I was 22 years of age on the 7th of November last.

In chief:

I voted two years ago at the same place. I can't tell whether I voted on age then or not.

Cross-examined:

I can't say whether it was in 1874 that I voted. I voted two years before the last election. I can't tell whether it was a State or township election that I first voted at. I don't know what officers I voted for at that time. I voted at two elections before the last election. I don't know what elections they were. I can't say whether it was for two years or for two elections.

In chief:

Q. For whom did you vote for Congress at the last November election?

(Objected to for the reason heretofore stated.)

A. For the Democratic party, so they say; I mean for the ticket made by the Democrats.

Cross-examined:

I cannot read. I did not open the ticket that I voted; another boy opened it and read it for me. I don't know what was on the ticket, except what that boy told me. I do not remember the names that were on that ticket.

his
JAMES + DOYLE.
mark.

Sworn and subscribed February 7, 1877, before me.

JNO. P. HOBART, *Register in Bankruptcy.*

CONDY MCFADDEN called, for Mr. Nutting.

(Mr. Schalck objects to the examination of any witness under the notice offered by Mr. Smith, on the ground that it was not served on the incumbent.

Mr. Smith offers in evidence a notice that the witness named therein would be taken at the public house of Samuel Ganett, in Pottsville, on Wednesday, the 7th day of February, 1877, &c., with an affidavit of service upon John A. Nash, esq., attorney for James B. Reilly, and in which the names of the witness, with others, appears.

Mr. Schalck replies that he is here to take testimony under the notice served upon James B. Reilly, for the examination of certain witnesses therein named, commencing Tuesday, the 6th of February, 1877, and that the examination of these witnesses is not yet completed, and therefore objects to the examination of witnesses under any other notice until the examination under the first notice is concluded.)

CONDY MCFADDEN sworn, for Mr. Nutting.

I live in the borough of Port Carbon, and voted at the last November election. I paid my taxes year before last. Last year's taxes I have half paid and half not. I have my naturalization-papers, two sets of them.

his
CONDY + MCFADDEN.
mark.

Sworn and subscribed February 7, 1877, before me.
JNO. P. HOBART, *Register in Bankruptcy.*

CHARLES SOWERS sworn, for Mr. Nutting.

I live in the borough of Auburn. I voted on age at the last election. I was born the 12th of April, 1854. I was between twenty-one and twenty-two when I voted. I never paid any State or county tax.

Cross-examined:

I was born in 1854; my parents told me so. My Bible told me so. I have it here.

(Witness produced Bible containing the record of his birth on 12th of April, 1854.)

I don't know who wrote the entry in the Bible. There was no other figure there before the 4 in the entry. What my father said was, that it was 1854, and he gave me the Bible alone. When I voted, Mr. Schultz said I was between twenty-one and twenty-two. He was an election officer. I cannot read or write.

In chief:

Question. Can you tell us who you voted for for Congress?
(Objected to for the reasons given above.)
Answer. I asked for the Democratic ticket. I voted the ticket that was given to me as a Democratic ticket.

Cross-examined:

I did not open the ticket. I believe the man ought to be honest. I can't swear that it was the Democratic ticket I voted. I don't know whether I voted for Mr. Nutting for Congress, or for Mr. Reilly.

his
CHARLES + SOWERS.
mark.

Sworn and subscribed February 7, 1877, before me.
JNO. P. HOBART, *Register in Bankruptcy.*

Adjourned to February 8, 1877, at 9 o'clock a. m.

Before adjournment, Mr. Smith, for contestant, presents a petition for an order to open the ballot-boxes for several election-districts therein named.

Referred to Hon. John Cadwalader, judge of the district court of the United States for the eastern district of Pennsylvania, at Philadelphia

FEBRUARY 8, 1877.

The taking of the testimony resumed. Present, Mr. Smith for contestant, and Mr. Schalck for incumbent.

PATRICK CONNELL sworn, for contestant.

I live in Blythe Township. I voted at the last November election, at Fogarty's, in Silver Creek, in Blythe Township. I, myself, did not pay a State or county tax within two years of the last November election. I got a receipt. It is dated the 7th of October, 1876. I can't say whether I got it that day or not. I can't tell whether it was a week, or three days, or four days before the election that I got it. He told me it was all right. Barney O'Donnell, the tax-collector, told me it was all right.

Cross-examined:

I have not the receipt with me. They kept it from me in the election-case at Tamaqua. I can't tell who kept it. The tax-collector told me that he got fifteen dollars to pay taxes, and that he was giving these tax-receipts to old men. My receipt called for thirty-nine cents. It was for county-tax and four cents for building. I can't tell whether this receipt was paid out of the fifteen dollars or not. He told me that he got fifteen dollars at the time he gave me the receipt. He did not tell me where he got those fifteen dollars. It was a good while before the election that I got the receipt; two or three weeks. I was not asked to pay that tax again. The last tax-receipt before this came to me at the township election. I did not pay it, but it was sent to me. It was the township election of 1875. It was in February. I can't tell how long before the election it was. I can't think now whether it was short or long. It was for that election that I got it. I don't know where that receipt is. I lost it. I hadn't it in Tamaqua. That receipt was for voting tax, county tax. I can't tell who paid that tax for me. It was never asked of me again.

In chief:

All I know is what the receipt showed. I paid no tax. I can't tell who gave it to me. It was sent to me from Cumbola. I don't know who wrote the receipt, or who put the name to it. I know nothing about it. I was subpœnaed to bring my receipt for 1875 and 1876 here.

Cross-examined:

The receipt I left in Tamaqua was the receipt for 1876. The tax-receipt I got at the spring election of 1875 was dated in 1867, I think. I can't tell whether it was for the tax of 1874 or not.

In chief:

Question. Who did you vote for for Congress at the election in November last?

(Objected to for the reason heretofore stated, and that it does not appear that the witness is not a legal voter.)

Answer. Mr. Reilly, I think. Was it not for Congress that he ran? That's the man I voted for.

Cross-examined:

I did not open and read the ticket that I voted. I seen Mr. Reilly's name on it. I saw some of the names on the ticket, but I could not read them all.

PATRICK CONNELL.

Sworn and subscribed February 8, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

WILLIAM LAWLER sworn, for Mr. Nutting.

I live in Blythe Township, and voted there at the last November election. I did not, myself, pay a State or county tax within two years of the last election. I have lived in the township since 1857. I am about forty years old; I don't exactly know. I was born in Ireland. I got my citizen's papers on the 7th of October last.

(Witness produced his papers.)

Cross-examined:

I have a tax-receipt with me. (Witness produces tax-receipt for county tax for 1876, dated October 7, 1876, signed Bernard O'Donnell, collector.) This is my receipt for the county tax of 1876. I don't know who paid the tax for me. I got the receipt from the collector.

In chief:

I got the receipt on the 7th of October, 1876. I was in Barney O'Donnell's house when I got it. I was at his house on that day, and he told me I was just in time. I got the receipt that day; in the evening. It was on the 7th I got it. I got it on the same day I got my naturalization-papers.

Question. For whom did you vote for Congress at the election in November last?

(Objected to for the reasons heretofore stated.)

Answer. I don't know. I know James B. Reilly was a candidate for Congress on the Democratic ticket. I can't tell whether I voted for him or not. John Keating gave me the ticket, rolled up, and I put it in.

Q. Is John Keating a Democrat or a Republican?

(Objected to because it is immaterial.)

A. I don't know what he is now. Before the last election he always was for the Democratic party.

Cross-examined:

I knew him to be a Democrat. He talked that way before the last election. I don't know, myself, how he voted. I don't know what kind of tickets he gave out. The tickets Keating gave out may have had Nutting's name on for Congress, for all I know.

his
WILLIAM + LAWLER.
mark.

Sworn and subscribed February 8, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

BERNARD O'DONNELL sworn, for Mr. Nutting:

I live in Blythe Township. I was the tax-collector of State and county tax for 1876. A short time before the last election I got some money to pay taxes, from the Democratic committee. It was previous to the

dates of the receipts that I issued receipts for voting-tax; State and county and building tax.

Question. Can you give us the names of persons to whom you issued these voting tax-receipts?—Answer. Yes, sir.

Q. Now, please give us the names.

(Objected to because it is immaterial who the parties were to whom the witness issued such receipts. That the tax having been paid, the parties for whom they were paid were entitled to the benefit thereof, and their words cannot now be impeached in this way; and that the inquiry is irrelevant. Also, that this is not testimony, if it is admissible at all, unless it is proposed to be followed up by other evidence to show that the parties concerned had not paid any State or county tax whatever within two years prior to the last election, which the contestant has not alleged.)

A. Thomas Welsh, Michael Dooley, John Manley, James Coyle, Michael O'Brien, Patrick O'Brien, Michael Kenna, William Lawler, Patrick Connell, John Connelly, Edward Kane, Daniel Lyons, John Dougherty, Hugh Dougherty, sr., Patrick Canfield, Edward Connelly, Michael Daley. When I got the money from the county committee, I had not a list of persons who were too poor to pay their taxes. There was a list along, sent to the county committee by another gentleman, previous to my coming for the money. If I am not mistaken, it was Edward Kane who sent the list. I can't tell how many names were on the list. I saw the list in the committee-room, but did not count the names.

Q. How much money did the list you saw with the county committee amount to?

(Objected to because the list itself is the best and only evidence of what it contains, and must be produced, or its non-production accounted for.)

A. I could not answer that properly. I think, if I remember right, there were in the neighborhood of sixty names on the list. Probably that list would call for in the neighborhood of fifty-five or fifty-eight dollars.

Q. Please state, in your own way, how you came to call upon the committee for the money for these taxes, and the arrangement you made with the committee for the payment of them.

(Objected to because it is immaterial and irrelevant how the witness came to call on the committee, or what the arrangement was between witness and the committee, it appearing that the committee paid the taxes in due time.

A. Edward Kane canvassed the township to find out who was too poor or had no receipts to vote at the November election, and he was to make report to the committee, and he told me that I should go to Pottsville on a stated time to receive money for to pay those individuals' taxes. I came to Pottsville, and I received the amount of $20, and I made the remark that that was not sufficient to pay all those men's taxes. They allowed that I should not give those receipts to any parties unless I knew that they were thorough Democrats. I done that to the best of my opinion. I am not positive, but I think I did receive that list. The committee objected to paying the whole amount of the list, because they allowed it was about half of the voters in the township. They did not strike off from the list the names of those that I should not give tax-receipts to. It was left to my option to deliver the receipts to those I knew would vote the Democratic ticket. To the best of my opinion, I got the $20 on the 4th of October. I would not

be positive. I did not testify in the Felthoff case that it was on the 24th of October that I know of. If you have it that way it is not correct. I never told it that way. I think I received $15 from Mr. Schalck, and $5 from Mr. Reilly. I think I received the $5 from Mr. Reilly a day or so after I received the other. I think I received the $15 in money. I was informed that Mr. Schalck was the chairman of the Democratic county committee. Mr. Reilly was a candidate for Congress. I was informed that Edward Kane was also a member of the county committee. I wrote receipts for that money after I left Pottsville, in a day or two or three. They were all filled out, and dated on the 7th, with the exception of one or so, it may be; I think I filled out seventeen receipts.

Q. How many more than seventeen tax-receipts did you fill out at that time, from that list?

(Objected to because it is immaterial what other receipts he filled out from that list, and that the votes of the parties whose names were on that list cannot be impeached by such an inquiry, nor unless it is proposed to be followed up by other evidence to show that the receipts were not paid for, and that the parties concerned were not otherwise qualified to vote.)

A. I think, to the best of my opinion, I filled out about thirty, including the seventeen. I destroyed them all but those seventeen, because the money did not amount to them all. I destroyed them after the date of them being written; I think about three or four days after, about the 10th of October. I kept those I did not destroy until such time as I could give them out to parties that I thought were going to vote the Democratic ticket. There were a good many of the seventeen receipts given out that same evening. I can tell one—William Lawler for one. Mr. Lawler's is a remarkable case, or I could not remember it. He came from the cars, about 9 o'clock in the evening, with a note from Mr. Schalck that I should give him his receipt.

I cannot tell exactly when I gave out the others. I gave them all out before the election, with the exception of one. Patrick Connell, 39 cents, marked old; John Connelly, miner, $1.65; Edward Kane, miner, $1.76; John Dougherty, old, 28 cents; Hugh Dougherty, sr., old, 28 cents; Patrick Canfield, miner, $1.65; Edward Connelly, miner, $1.65; James Coyle, miner, $1.65; Michael Dayley, old, 28 cents; Michael Dooley, old, 28 cents; Daniel Lyons, laborer, 83 cents; William Lawler, miner, $1.76; Michael O'Brien, laborer, 83 cents; Patrick O'Brien, laborer, 83 cents; Michael Kenna, laborer, 83 cents; John Manley, miner, $1.76; Thomas Welch, old, 28 cents. These receipts that I called off don't amount to quite $20. There is a dollar or two left.

I did not issue receipts for the full amount, because I could not rely on the balance voting the Democratic ticket. I think I waited three or four days, to satisfy myself how the others would vote, before I destroyed the rest of the receipts. I have an additional assessment of one man at home; he don't pay taxes in my township; he did not vote in that township, I got him exonerated; his name is James Ross. I have not my naturalization-papers with me; they were destroyed a good while ago; I was subpœnaed to produce them. I was born in Ireland; I was thirty-eight years old the beginning of this month. I can't tell what year I came to the United States; I was too small; I was going on ten years at that time. I got my naturalization-papers in the fall of 1860 at Carbondale, in Luzerne County.

Cross-examined by Mr. Schalck, reserving all exceptions:

I was not the collector of that township for 1875, only for 1876. Ed-

ward Cane first spoke to me about coming down here; he had sent the list I speak of down here before he spoke to me; I did not see the list before it was sent down. It was some time before I came for the money that Mr. Cane sent the list; to the best of my opinion it was when I came to Pottsville to the Democratic committee that I first saw the list. I did not pay any particular notice to the list; I can't say positively how many names were on the list; but to the best of my opinion there was somewhere in the neighborhood of sixty. The list amounted to more than the chairman could pay; he gave me fifteen dollars, which was all he had to pay. The receipts that I was to give were to such parties as were absolutely too poor to pay, with the exception of Mr. Lawler, for whom I got a special order on the subject of payment. Every one of the seventeen receipts I gave out was written and dated on or before the 7th of October, and paid for before that day.

I could not say whether the persons on the list, other than the seventeen whose taxes were paid to me, were entitled to vote or not. All that I did give tax-receipts to were parties who said they would vote the Democratic ticket, and others I knew would vote it. I destroyed the receipts, for the simple reason that there was not money enough to pay all I had written out; and besides, all I knew would vote the Democratic ticket received their receipts, and the balance I destroyed. There were a few on that list that would not vote the Democratic ticket—I could not tell how many—at least I was told so. There were some that the Republican party paid for, and I knew they would not vote the Democratic ticket. They were on the Democratic list. There were two on that list for whom the Republicans paid the taxes. One was Roger Quinn, and the other was Richard Coogan. The Republicans paid the taxes for these men on the 7th of October, night. They paid taxes for other persons.

Q. Who were those other persons?

(Objected to by Mr. Smith, because it is not a cross-examination of the witness, and it is no part of the contestant's case.)

A. I don't remember that I can tell you all of them. I kept no memorandum. I can tell you some. There was one of those I would not be positively sure whether he voted the Republican ticket or not; I think he voted the Democratic ticket. Roger Quinn, Richard Coogan, Anthony Dougherty, David Shields, Hugh St. Clair; that is all I can remember now. I think there were seven altogether; the other two names I can't recollect now; I could not tell without referring to my duplicate; I did not keep any memorandum. Captain Winlack and Anthony Dougherty came in the room on the seventh night, and paid me the money. William Winlack—I understood he was a Republican, and takes an active part in politics up there. I could not tell exactly whether these seven persons voted at the election; it is most likely they did.

In chief:

I filled up the thirty receipts before I got the money; when I came to the standing committee room, in Pottsville, I filled them up; I did not fill them up in Pottsville; I took the list from Pottsville home, and filled up the receipts; and afterwards got the money. The committee told me to fill up that many; I expected to get the money for that many. There was nothing said about those who would vote the Cooper ticket, and I did not inquire as to them. I did not bring the receipts along to Pottsville when I got the money; all that I had along was my duplicate.

Cross-examined:

When I got this money from the committee I was told to apply it as far as it would reach. I was not asked to give out a single receipt over and above the amount of money I got.

BERNARD O'DONNELL.

Sworn and subscribed February 8, 1877, before me.

JNO. P. HOBART, *Register in Bankruptcy.*

(Mr. Schalck reserves the right to recall this witness, to cross-examine him.)

RICHARD EDWARDS sworn, for Mr. Nutting.

I live in Blythe Township, and voted there at the last November election. I had not, myself, paid a State or county tax within two years of the last election.

Cross-examined:

I have a tax-receipt for 1876, paid since the election. The last tax before that I paid in 1874, but that was run out; it was over two years before the 7th of November last. Nobody else paid taxes for me in my life-time. My tax for 1874 was not paid at all; I thought my woman had paid it, but she did not.

Question. Who did you vote for for Congress at the last November election?

(Objected to, for the reasons heretofore stated.)

Answer. I don't know. I did not open my ticket at all. I got the ticket from James Cavenaugh.

RICHARD EDWARDS.

Sworn and subscribed February 8, 1877, before me.

JNO. P. HOBART, *Register in Bankruptcy.*

THOMAS EDWARDS sworn, for Mr. Nutting.

I live in Blythe Township, and voted there last November election. I did not pay a State or county tax within two years prior to that election. I am over 24 years of age.

Cross-examined:

Richard Edwards, who was here just now, is my father; I am living with him. I was 24 years old last June; I have my mother's word that I am so old. I never paid any taxes.

In chief:

Question. For whom did you vote for member of Congress at the last election?

(Objected to, for the reasons heretofore stated.)

Answer. I voted for James B. Reilly. I voted the whole Democratic ticket, all but the President. I paid a county and building tax since the election.

Cross-examined:

I opened and read the ticket I voted. I went and got my ticket from the sheets in the bar-room. I am sure that James B. Reilly's name was on the ticket that I voted for Congress.

THOMAS EDWARDS.

Sworn and subscribed February 8, 1877, before me.

JNO. P. HOBART, *Register in Bankruptcy.*

DANIEL BRENNAN sworn, for Mr. Nutting.

I live in Blythe Township, and voted there at the last election. I had paid a State or county tax within two years prior to the last election, or else I could not vote; my tax-receipt shows it. Mr. Fowler kept my tax-receipt in Tamaqua; the receipt was for taxes for 1874, to the best of my knowledge. I voted in 1874, when Reilly ran for Congress. I had that tax-receipt for 1874 then. It would not be run out until nine days after the last election, to the best of my knowledge. I did not take it with me to the polls that time; but I had it then. That was the last tax that I had paid before the last November election.

Cross-examined:

I was subpœnaed as a witness in the contested-election case of Fowler against Felthoff, at Tamaqua, and was notified to take my receipt there. After I brought it there, they kept it there, and told me they would send it to me; they did not send it to me. The gentleman that is here now, Mr. Pomeroy, is the same gentleman that was in Tamaqua. He did not keep my receipt. I saw him with the other gentleman at the table there. I think Mr. Fowler subpœnaed me to go to Tamaqua. He was the Republican candidate for the legislature in that district. I don't remember the date of that receipt of 1874. I can't read it. I don't know whether it was before or after the 7th of November, 1874; all that I remember about my receipt is that it would run out nine days after the last election.

In chief:

The man that I got to read it for me told me it would run out nine days after the election. I can't read. I did not show my receipt at the last election. It was not asked of me. I got Edward Fogarty and Mr. McGittigan to read the receipt for me. After looking at the receipt, they told me that I could vote on it until nine days after the election. I can't tell whether they told me right or not.

Cross-examined:

It was before the election that I asked them to read it. The day I was at Tamaqua, I showed it to McGittigan—at the Fowler and Felthoff case—and he told me the same thing; that it was good nine days after the election.

In chief:

Question. For whom did you vote for Congress at the last November election?

(Objected to for the reasons before stated, and that the witness has not been shown to be an illegal voter.)

Answer. I voted for Mr. Reilly, to the best of my opinion, and I voted the whole Democratic ticket, to the best of my opinion.

Cross-examined:

I did not open and read the ticket that I voted. I can't read. I can't swear that Mr. Reilly's name was on the ticket I voted. The man that gave me the ticket told me it was on. I have nothing to go by, except what the man told me who gave me the ticket. I cannot tell whether he told me the truth or not. All I can swear is, that the man who gave me the ticket, I asked him whether it was the Democratic ticket, and he told me it was. Perhaps the ticket I voted might have had Mr. Nutting's name on instead of Mr. Reilly's; I don't know what name was on; just according as I was told that Mr. Reilly's name was on. I

showed my tax-receipt to Edward Fogarty before the election. He read it to me then. I did not show it to Mr. McGittigan until I came to Tamaqua.

his
DANIEL + BRENNAN.
mark.

Sworn and subscribed February 8, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

JOHN KEEFE sworn, for Mr. Nutting.

I live in Blythe Township. I voted there at the general election held there last November. I paid some taxes in 1874 and 1876; not in 1875. I can't tell when I paid my State or county tax in 1874. I have a receipt here for 1876. I lost my tax-receipt for 1874. I paid my tax for 1876, on the 21st of October, 1876.

Cross-examined:

It was before the October election in 1874 that I paid my tax for 1874. I think it was in October, 1874, that the general election was held. I don't know how long before the general election in 1874 I got my receipt. I am sure it was before the election that I got my receipt. I don't think I saw my receipt for 1874 since I voted at the township election last spring.

In chief:

Question. For whom did you vote for Congress at the last November election?

(Objected to for the reasons heretofore stated.)

Answer. I voted the Democratic ticket.

Cross-examined:

I read all the names that were on the ticket except the electoral names. I am sure that Mr. Reilly's name was on the ticket for Congress that I voted.

JOHN KEEFE.

Sworn and subscribed February 8, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

JAMES BUTLER sworn, for Mr. Nutting.

I live in Blythe Township; I voted there at the general election on the 7th of November last.

Question. Within your own knowledge did you pay a State or county tax within two years prior to the last election?

(Objected to because the only proper question is to ask the witness whether he paid such tax, which may have been paid either by the witness or some one for him, and that any other question is improper.)

Answer. My woman paid it; I did not pay it; it was for 1874 and 1875 that the tax was paid; I testified at Tamaqua in the Fowler-Felthoff contested-election case.

Q. What did you testify in that case respecting your taxes?

(Objected to because the witness's testimony as given in Tamaqua has been reduced to writing, and such notes of testimony are the only legitimate proof of what the witness did testify; and further that this witness is the witness of the contestant, and that he, the contestant, cannot contradict or impeach his own witness, nor lay the grounds for such attempts.)

A. I was asked whether I paid any taxes to John Head or James Head; they inquired of 1874 and 1875; I said no, that I did not pay any taxes myself; they did not ask if any one paid it for me.

Q. You said you paid no taxes in 1875 or 1874; how soon after that did you find out that some one had paid taxes for you?

(Objected to for the reasons before stated, and that it is immaterial how soon the witness found out the true state of affairs.)

A. The night I came home from Tamaqua, on the day that I gave my testimony, I found it out of my companion, and out of John Head, the tax collector's book of 1875; since that I found that out again; I did not see John Head about this tax business the same evening; I found out from my companion that she paid my 1874 and 1875 taxes; she told me so.

Q. Do you know, of your own knowledge, that your taxes for 1874 and 1875 were paid or not?

(Objected to that the witness having already testified that he did not personally pay these taxes, but that his wife paid them, and that the collector himself acknowledged payment thereof to the witness, it already sufficiently appears that his taxes were paid, and what the witness' knowledge thereof was.)

A. The knowledge I have is that I did not pay them myself, but my woman told me she paid them.

In chief:

Q. For whom did you vote for Congress at the last November election?

(Objection the same as heretofore, and that it has not been shown that this witness is not a legal voter.)

A. I went to vote for the Democratic principles, and voted it, as I thought.

Cross-examined:

My intention when I went to the polls was to vote the Democratic ticket; I did not open or read the ticket that I voted; I cannot swear that I actually did vote the Democratic ticket. I cannot swear whether Mr. Nutting's name or Mr. Reilly's was on the ticket for Congress that I voted.

In chief:

Edward Fogarty gave me the ticket that I voted; I can't say whether he is a Democrat or not; I have no tax-receipts, except the one from Barney O'Donnell, since the election.

Cross-examined:

I know that I did not see the tax-receipts for 1874 and 1875; they are lost and I could not find them; if I had them, I would have them here; my wife attends to the paying of taxes for me when I am not at home.

Q. Did your wife tell you when she paid those taxes for 1874 and 1875?

(Objected to that what his wife told him is not evidence.)

A. No.

Q. Did you find out how long ago these taxes have been paid?

(Objected to because the witness has stated that he has no knowledge on the subject.)

A. No, sir.

Those taxes have not been asked of me. The tax-collector has not been after me for these taxes. I have not seen him when he went to

the house. I am a laboring man, and work away from the house. I go away in the morning and don't come home until evening.

Q. Do you not leave the payment of your taxes and other bills to your wife to look after?—A. Yes, sir.

Q. Do you remember from looking at Head's book, or from what Head told you when your taxes for 1874 and 1875 were paid?

(Objected to; that it does not appear that the witness has looked at Head's book, and the allegations of Head are not evidence. He is living and can testify himself.)

A. No; I don't remember what time it is 1875 tax is paid.

In chief:

If I inquire about it, my wife will tell me when I come home in the evening when she has paid a bill.

his
JAMES + BUTLER.
mark.

Sworn and subscribed February 8, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

WILLIAM O'BRIEN sworn, for Mr. Nutting.

I live in Blythe Township, and voted there at the general election in 1876. I did not pay a State or county tax within two years of the last election. I am between twenty-six and twenty-seven years old.

Cross-examined:

I have a tax-receipt with me that I got after the last election in November. It is dated 17th of November. I never paid any tax before that. I don't know that any one ever paid any taxes for me. I never received any tax-receipt if they did.

Question. For whom did you vote for member of Congress at the last election?

(Objected to for the reasons heretofore given.)

Answer. James B. Reilly.

Cross-examined:

I opened and read the ticket I voted. I don't remember all the names that were on the ticket. I do remember that Mr. Reilly's name was on the ticket for Congress.

WILLIAM O'BRIEN.

Sworn and subscribed February 8, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

DENNIS MARTIN sworn, for Mr. Nutting.

I live in Blythe Township. I voted there at the last general election. I paid a State or county tax within two years prior to the last election. I paid it in 1875; I don't know what time in 1875 I paid it. I paid it to Head. I had a receipt. I was born in Ireland. I came to this country when I was a little child about eleven months old. They took my tax-receipt at Tamaqua. I paid Head at my house. I don't know any other man named Dennis Martin in Blythe Township. I paid taxes in 1876, after the election.

Cross-examined:

I was subpœnaed as a witness in the Fowler and Felthoff case at Tamaqua. I was subpœnaed by Mr. Fowler, and they made me produce my tax-receipt for 1875. They took it from me up there. I don't re-

member the date of that receipt. It was in the year 1875 that I paid the taxes for that year to Head, who was the collector of that year. It was the voting-tax.

The paper I have produced is my citizen's papers. I got these citizen's papers in 1872, here in Pottsville.

In chief:

I don't know the name of Mr. Head to whom I paid that tax. I think it was John.

his
DENNIS + MARTIN.
mark.

Sworn and subscribed February 8, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

MICHAEL WHELAN sworn, for Mr. Nutting.

I live in Blythe Township. I voted there at the last general election. I did not pay a State or county tax within two years of the last election that I know of. I can't say how old I am. I did not vote on age at the last election.

Cross-examined:

In fact, I can't guess at all how old I am. I got a tax-receipt in 1873. I got one tax-receipt since 1873, but not before the election. I got it from Barney O'Donnell. It is dated January 19, 1877. This is the only tax-receipt that I know of that I got since 1873. No one as I know of in the mean time paid any taxes for me.

In chief:

Question. For whom did you vote for member of Congress at the last election?

(Objection the same as before.)

Answer. My intention was to vote for James B. Reilly. I can't say whether I did or not vote for him. It was dusk when I got to the polls.

MICHAEL WHELAN.

Sworn and subscribed February 8, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

MILES FINLEY sworn, for Mr. Nutting.

I live in Blythe Township. I voted at the general election last November. I paid Barney O'Donnell the tax in 1876, but not for 1874 and 1875. I was noticed by the tax-collector to pay my tax in thirty days, and I paid it inside of thirty days. I can't tell what month it was. I remember the election; to the best of my knowledge it was over thirty days before the election.

Cross-examined:

I don't remember the date of the tax-receipt. I got the receipt at the time I paid the money, at O'Donnell's own house. I do not remember when he left the notice there for the taxes. I was looking for the notice to day and could not find it. To the best of my knowledge it was more than thirty days before the election that I paid my tax. I am certain that I paid my tax in time to secure my vote.

MILES FINLEY.

Sworn and subscribed February 8, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

JAMES COYLE sworn, for Mr. Nutting.

I live in Blythe Township, and voted at the last election. I did not pay a State or county tax within two years of the election.

Cross-examined:

I do not remember when I paid my last tax. I have a tax-receipt with me.

(Witness produces a receipt from Bernard O'Donnell, collector, for $1.65, for county and building tax for 1876, dated October 7, 1876.)

That is my tax-receipt for 1876. I did not pay it myself. I expect it was paid for me. I don't know by whom it was paid. I know who brought it to me, though. Edward Cane brought it to me. I understand he was a member of the Democratic county standing committee.

In chief:

Cane brought the receipt to my own house. I could not say exactly what day he brought it. I think it was on a Saturday night he brought it; I am not sure. I guess I had it over ten days before the election. I could not say what time.

Cross-examined:

I could not say whether it may have been thirty days before the election or not. I think it was over ten days. I did not vote on this receipt. The one I voted on was kept from me at New Philadelphia in the investigation of Fowler and Felthoff. They had me there as a witness.

In chief:

Question. For whom did you vote for Congress at the last election?

(Objected to by Mr. Schalck, for the reasons heretofore stated, and because it has not been shown that the witness is not a legal voter.)

Answer. I voted the full Democratic ticket.

Cross-examined:

I read the ticket I voted. I remember some of the names on it—Mr. Reilly's, Mr. Collehan. I could not exactly say now for what office Mr. Reilly's name was on that ticket.

In chief:

I voted for Reilly for the office he was running for.

Cross-examined:

All I know is I saw his name on the ticket; but I don't know what office he was running for.

JAMES COYLE.

Sworn and subscribed February 8, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

The further taking of the testimony adjourned to February 9, 1877, at 9 o'clock a. m.

FEBRUARY 9, 1877.

The taking of the testimony resumed.

Present, Mr. Smith for contestant, and M. Schalck for incumbent.

THOMAS COCHLIN sworn, for Mr. Nutting.

I live in East Norwegian Township. I voted in that township at the ast November election. I had paid a State or county tax within two years of the last election. My wife paid it to William Comer, the tax

collector. I did not see her pay it. I gave her orders to pay it. (Witness produces receipt.) I suppose I got this receipt on the day it bears date. It is dated November 11, 1875. I did not vote in 1875. My wife paid for that receipt. The only reason I have for saying that my wife paid it is, that I gave her the order, and there is the receipt for it. I paid no other State or county tax within two years prior to the election.

Cross-examined:

I have been living in East Norwegian Township since June, 1865, and have voted there when I did vote. The receipt was given in my house after the tax-collector got the money—the same day; I am sure that I have had this receipt since then. The tax-collector never came again to ask these taxes from me. I think I saw the receipt the same evening that the taxes were paid and the receipt given.

In chief:

Question. Did the tax-collector call on you for the taxes for 1876?

(Objected to because it is perfectly immaterial and irrelevant whether the tax-collector for 1876 called upon the witness for the taxes of 1876 or not, as it cannot possibly throw any light upon the payment or non-payment of the taxes for 1875, nor upon the legality of the witness's vote.)

Answer. Yes, sir. I have not paid any taxes for 1876.

Q. Were you exonerated from the payment of the taxes of 1876?

(Objected to, that it is perfectly immaterial and irrelevant whether or not the witness was exonerated from the payment of such tax, and the tax for 1875 having been paid, such exoneration cannot affect his vote.)

A. Not to my knowledge. I did not ask the collector to get me exonerated, and I did not ask to be exonerated in any way or shape. He has not told me that he has had me exonerated. William Comer is tax-collector for 1876. I think he has been for the last three years.

THOS. COCHLIN.

Sworn and subscribed February 9, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

MICHAEL PURCELL sworn, for Mr. Nutting.

I reside in Blythe Township; I voted at the election last November in that township. I have myself paid a State or county tax within two years of the last election; I paid it to John Head. I can't tell you now when; it was some time in the beginning of the year that I paid it; not the beginning of the last year, the beginning of 1876. I can't tell for what year the tax was paid; I have not the receipt. I can't tell how old I am; I can make a guess at it, but I can't be positive. I think I must be a little over forty—perhaps forty-one or forty-two. I suppose I was born in Ireland. I can't remember when I came o this country. I might be twenty-eight years in the country, or over it. I have my naturalization-papers.

Cross-examined:

I can't say why I have not my tax-receipt here. The reason I have not got it here is because Mr. Fowler kept it from me in Tamaqua. I was subpœnaed as a witness in the contested-election case of Fowler against Felthoff, in Tamaqua. I was subpœnaed by Mr. Fowler. He was the Republican candidate for legislature in that district.

In chief:

I went there to testify before the commissioner. They kept it all among them.

MICH. PURCELL.

Sworn and subscribed February 9, A. D. 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

MICHAEL O'BRIEN sworn, for Mr. Nutting.

I live in Blythe Township, and voted at the last election. I had not myself paid a State or county tax within two years of the election.

Cross examined:

My tax-receipt was kept in Tamaqua. I had a tax-receipt; the one I voted on was kept in Tamaqua. I have a receipt for the tax of 1876; that is dated the 19th of December, 1876. To the best of my knowledge, the tax-receipt I voted on was dated January 3, 1876. It was for voting-tax for the year 1875.

(Objected to.)

I heard John Ross say he paid for the receipt.

(Objected to.)

I got it some time in January, 1876. I was in Shenandoah, and when I came home my tax-receipt was there in the house. My tax-receipt was kept in Tamaqua by Fowler and parties that were contesting there. I had been subpœnaed to go there by Fowler. The tax for 1875 was never asked of me again after I had that receipt.

In chief:

Question. For whom did you vote for Congress at the last November election?

(Objected to for the reason before stated, and that it has not been shown that the witness is not a legal voter.)

Answer. I voted the Democratic ticket to the best of my knowledge.

Cross-examined:

I did open and read the ticket that I voted. I remember James B. Reilly's name and Colihan's. I guess Reilly's name was on the ticket I voted for Congress.

(Objected to.)

John Ross said to me that he paid for my tax-receipt.

MICH'L O'BRIEN.

Sworn and subscribed February 9, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

JAMES MCGEE, sr., sworn, for Mr. Nutting.

I live in Blythe Township. I voted at the last election in Blythe. I paid tax in 1876. I paid it myself on the day of the election. I paid the 1875, too. I did not pay it myself, the receipt was left in the house for me.

Question. I asked you whether you yourself have paid any other State or county tax in 1875. Now, why did you answer that you did, and now again say that you did not, that the receipt was left at the house?

(Objected to as a cross-examination and an attempted impeachment of the contestant's own witness.)

Answer. It was 1876 I said I paid myself. In 1875 I did not pay any; it was left at my house. I was away, working.

Cross-examined:

The tax-receipt for 1875 was left at my house in the fall of the year. I was working away from home. I left my old woman in charge of my house. The children, I guess, were in the house. I myself attended to paying my taxes. When I came home my old woman told me that John Head had left a tax-receipt there. My tax-receipt was there when I came home.

(Objected to.)

John Head was the tax-collector for the year. He collected the county tax, and it was his receipt. When I got home I told my old woman to get my daughter to read it for me. I can't read. She read it for me. The tax-receipt for 1875 they asked me for at Tamaqua, and I gave it to them. In the contested election case of Fowler against Felthoff, Mr. Fowler subpœnaed me and notified me to bring my receipt along. It has not been returned to me since. After that receipt was left at my house I was never again asked for the taxes of 1875.

In chief:

I don't know that Mr. Head had signed his name to that receipt himself. I could not read it, and I paid no money for it.

Q. For whom did you vote for Congress at the last November election?

(Objected to for the reasons before stated, and that the illegality of the witness's vote has not been shown.)

A. I did not vote for any of them at the county election.

Cross-examined:

I only voted the Cooper Presidential ticket, and no other one.

his
JAMES + McGEE.
mark.

Sworn and subscribed February 9, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

JAMES McGEE, jr., sworn, for Mr. Nutting.

I live in Blythe Township. I voted there at the last election for Congressman. I did not pay any tax for the year 1875. I did not myself pay any tax for 1876 before the election. I paid it after the election of 1876. I myself did not pay any tax for two years previous to the last election. I am the son of James McGee, senior, who was just examined here. I did not pay any tax in 1874.

Cross-examined:

I am about twenty-four years old. I don't know when I was born. I could not exactly say when my last birthday was. I heard my father say I was about twenty-four years old. I heard him say it the day we went up to Tamaqua. He told me I was about twenty-four years old. I have the tax-receipt for 1876 with me. I had a receipt for 1875. They kept it in Tamaqua. It was for the voting tax. That receipt was left in the house for me the same time my father's was left.

Question. Whose receipt was it?—Answer. John Head's receipt. He was the collector of county tax for the year 1875, and it was in the year 1875 that that receipt was left there for me. I did not pay for it myself. The tax-receipt was left there. I was not at home. I don't know who paid for that tax-receipt. My receipt was kept in Tamaqua in the contest between Fowler against Felthoff. I had been subpœnaed

by Mr. Fowler, and notified to produce that receipt up there. After that receipt had been left at the house for me I was not called upon again for those taxes.

In chief:

I don't know who signed the name to that receipt. I was not there. I can't tell whether that receipt was ever paid for.

Q. For whom did you vote for Congress at the last November election?

(Objected to for the reasons before stated, and that the illegality of this witness's vote has not been established.)

A. James B. Reilly.

Cross-examined:

I voted the Cooper Presidential ticket. I am sure that I voted the county ticket. I put in two tickets, one for the Presidential-electors, and one for the county officers. I opened and read the ticket that I voted for county officers. I remember what names were on it. I took particular notice that I seen Reilly's name on. I do not remember for what office Reilly's name was on the ticket I voted. I know I voted for Mr. Reilly, but I don't know for what office I voted for him for. I can write and read. I left my mother at home when I went away from home at the time Head left the tax-receipt at the house. I don't know whether she paid the taxes. She said she did not pay them that day. She did not say whether she had not paid them before the receipt was left.

JAMES McGEE.

Sworn and subscribed February 9, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

JOHN MINER sworn, for Mr. Nutting.

I live in Blythe Township. I voted at the last November election for Congressman. I was born in Silver Creek. I was born in 1855, in June. I voted on age. I did not swear that I was twenty-one years of age. I had a writing from the priest at Port Carbon. I was not sworn at all at the polls.

Cross-examined:

Silver Creek is in Schuylkill County, Pennsylvania. The writing that the priest gave me was of my age. It was a certificate of what my age was. When I came to the polls to vote I was not requested to be sworn. I had the priest's certificate with me there. I showed it to the election-officers, and they were satisfied with it, and permitted me to vote. My vote was not challenged or objected to by any one, and neither the election officers nor the parties standing outside at the polls requested me to be sworn.

In chief:

Question. For whom did you vote for Congress at the last November election?

(Objected to for the reasons before stated, and because it fully appears that the witness was a qualified voter, and that the neglect of the election-officers to swear him to his age, if that be a neglect, cannot cause the witness's vote to be rejected.)

Answer. James B. Reilly.

Cross-examined:

I opened the ticket I voted to see if Reilly was on it, and I did see

Reilly's name on it. His name was on the ticket for Congress that I voted. I am sure that I put that ticket in.

JOHN MINER.

Sworn and subscribed February 9, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

DANIEL DONOHOE sworn, for Mr. Nutting.

I live in Blythe Township. I voted at the last election in November for Congressman. I was born in Blythe Township. I did not myself pay any tax for the year 1875. I did myself pay tax for the year 1876. I have my receipt with me. It is dated November 30, 1876. I did not, myself, pay my tax for two years previous to the last election.

Cross-examined:

I was born on the 5th of November, 1852, as near as I can remember. I think that is the date. My mother told me that. My family have no writing concerning the registry of my birth. I never paid any tax before this 1876 tax. I was never called upon for taxes before then. I had at one time a tax-receipt besides the tax for 1876, but I did not pay for it myself. That was for the year 1874, I think. I do not know the date of that receipt. I lost it. It was on the election-day in the spring of 1875, I think, that I got that receipt. I don't remember how long before that election my receipt was made out. Edward Connelly gave it to me. He then lived in Blythe Township. At the time I got the receipt I took it to be a new receipt, as if it had been written a short time before. At least I thought so. Connelly told me the tax was paid for, but I don't know who paid it. After I had received that tax-receipt the tax was never again asked of me. That receipt was for voting-tax.

In chief:

I got that receipt on election-day. I never paid for it, and never was asked to pay for it. I was never asked to pay any tax before the tax of 1876. I don't know whether I was ever registered or assessed. I saw my name on the tax-collector's book when I paid my tax. I think John Head's name was signed to the tax-receipt that Connelly gave me. I believe my name was on the tax-receipt. I don't know the date of it.

Question. For whom did you vote for Congress at the last November election?

(Objected to for the reasons before stated, and also that witness has not been shown to be an illegal voter.)

Answer. James B. Reilly.

Cross-examined:

I read the ticket I voted. I only remember two of the names of the candidates who were on the ticket I voted. They were James B. Reilly and John P. Collihan. Mr. Reilly's name was on the ticket for Congress. I am sure I put that ticket in.

DANIEL DONOHOE.

Sworn and subscribed February 9, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

JOHN DOUGHERTY sworn, for Mr. Nutting.

I live in Blythe Township. I voted for Congressman at the last November election. I was born in Ireland. I have my naturalization papers. I came to this country about thirty-five years ago. I don't know that I paid any taxes for 1875. I myself did not pay any taxes

for the year 1876. I paid John Head taxes within two years prior to the last election. I have not the receipts. I lost them. I last had my receipt last November election.

I never looked at it. I can't tell what the date of it was. I don't know for what year it was. I don't remember what amount of tax I paid for that receipt. I don't remember whom I paid for that receipt. I voted at the election two years prior to last November, at which Reilly ran for Congress. I had that receipt then—two years ago. I don't mind if it was on that receipt that I voted at the last election. The receipt I voted for Reilly on I got about five weeks before this last election. I did not pay for that tax-receipt. When I first heard of this contest I went to look for this receipt, and then discovered that I could not find it. I don't know whether that tax-receipt was paid for or not.

Cross-examined:

I don't know what tax the lost receipt was for. I voted on that old receipt. I think I got that old receipt in August. I can't tell in what year. I voted on that old receipt when Mr. Reilly ran for Congress the first time. The last time I voted I voted on the new receipt of Barney O'Donnell. I myself did not pay for that tax-receipt which I got from O'Donnell. I don't know who paid for it. The taxes were not asked of me again after I got the receipt.

In chief:

The receipt was left with Pete Devine, the squire, and I came over there one day, and they told me that the receipt was left there for me. I was not told that I must vote the Democratic ticket when I got that receipt. I could vote whatever ticket I liked.

Question. For whom did you vote for Congress at the last November election?

(Objected to for the reason heretofore stated; and also that it has not been shown that the witness is not a legal voter.)

Answer. For James B. Reilly.

Cross-examined:

I opened and read the ticket I voted. I do not remember the names that were on the ticket. I don't remember any name that was on the ticket. I got it at the polls. I think John Devlin gave it to me; the ticket that I voted. It was tied up, and I handed it in. He gave it to me at the window, and I walked forward and put it in. I never opened the ticket. I cannot swear what names were on the ticket. For all I know the name of Mr. Nutting may have been on the ticket, instead of Mr. Reilly's, but I got it for Reilly's. I mean I intended to vote for Mr. Reilly. That's what I got it for. The man that gave it to me I asked him if it was for Mr. Reilly, and he said "Yes; it is all right, put it in." I can't swear that Mr. Reilly's name really was on the ticket. I have nothing for it but the word of the man that gave it to me.

In chief:

I know the man well that gave me the ticket. I did not read the ticket before it was folded. It was folded, and I just put it in.

Cross-examined:

I did not open the ticket at all. I did not understand the question when I said I had opened and read it.

his
JOHN + DOUGHERTY.
mark.

Sworn and subscribed February 9, 1877, before me.

JOHN P. HOBART,
Register in Bankruptcy.

NOBLE CLEMENS sworn, for Mr. Nutting.

I live in Blythe Township. I voted at the last November election for Congressman, as much as I know. I think there was only one ticket. There might be some inside. I did not open it. I was born in Ireland. I was never naturalized. I did not pay my taxes for 1875. I paid taxes for 1876. I don't know when I paid them. I paid them the same day I got the receipt. I got my receipt before election-day. I can't tell how long. It might be about two weeks, less or more; I can't tell. I paid the taxes myself.

Cross-examined:

I can't read. I don't know whether I paid it on the day of the date of the receipt. This is my receipt:

(Receipt dated September 22, 1876, for $1.65, county and building tax for 1876. Signed by Bernard O'Donnell, collector.)

That receipt was written by Mr. O'Donnell in my presence when I paid him. It was some time before the election. I don't remember how long it was. It might be two weeks, more or less. It might have been five weeks. When I got my tax-receipt there was nothing said about dating it on a different day from the one when I paid the money. There was no talk about it when I got it. I don't know of any reason why there should have been a different date put upon the receipt from the one when I paid the money. I might be about five or six years old when I came to this country. I came over with my brothers. My father was living when I came over. My father was over ahead. He had been here some time before I came over. I believe my father was a citizen.

Question. Do you know, or have you any reason to believe, that your father took out his naturalization-papers to become a citizen of this country?

(Objected to making the inquiry as to his belief. It is not evidence. The witness can testify only to what he knows of his own knowledge, and that the papers of naturalization, if any were issued to his father, are the best evidence.)

Answer. I don't know anything about it. My father's name is William Clemens. He is not living. He has been dead seven or eight years. My father was living in this county. I don't know how long. My father stopped in the city awhile when he came to this conntry. I don't know how long. I don't know how long my father was in Schuylkill County. I don't know when my father came to Schuylkill County. I don't know whether my father voted in this county. I am about twenty-six or twenty-seven years old.

In chief:

Q. For whom did you vote for Congress at the last November election?
(Objected to for the reasons above stated.)
A. I don't think I voted for any.

Cross-examined:

I think I only put in one ticket, and that was the Presidential ticket. I did not vote any county ticket that I know of. It was a mistake to say that I voted for Congressman. It might be inside of the ticket. I don't know.

his
NOBLE + CLEMENS.
mark.

Sworn and subscribed February 9, 1877, before me.

JNO. P. HOBART,
Register in Bankruptcy.

JOHN DILLON sworn, for Mr. Nutting.

I live in Blythe Township. I did not myself pay any tax for the years 1874, 1875, or 1876. I voted at the last November election for Congressman. I will be twenty-five years old next October. I was born in Blythe Township, Schuylkill County.

Cross-examined:

I was born on the fifteenth of October, 1852. I never paid any tax. There was a gentleman gave me a tax-receipt, and told me he paid it for me. That was one month, as near as I can judge, prior to the last election for township officers. I mean the township election that was held in February, 1876. That was county tax. I have my tax-receipt here. This is my tax-receipt.

(Witness produces a receipt dated January 4, 1876, for county tax for 1875, 75 cents; signed by John Hede, collector.)

I have had that receipt ever since it was given to me. The tax has not been demanded of me since I have had the receipt. I voted on that receipt.

In chief:

I did not pay for that receipt. I do not know whether I was ever assessed or not, only what I was told. Edward Connelly gave me that receipt. Connelly was not a candidate for office at that election. John Hede was not a candidate at that election.

Question. For whom did you vote for Congress at the last November election?

(Objected to for the reasons before stated, and that it does not appear that the witness was an illegal voter.)

Answer. James B. Reilly.

Cross-examined:

I opened and read the ticket I voted. I remember that James Reilly's name was on the ticket I voted. His name was on the ticket for Congress as near as I can judge.

JOHN DILLON.

Sworn and subscribed February 9, 1877, before me,

JNO. P. HOBART,
Register in Bankruptcy.

JOHN HAUGHNEY sworn for Mr. Nutting.

I live in Blythe Township. I voted for Congress at the election in Blythe Township last November. I never paid any tax myself. I am between twenty-four and twenty-five years of age; may be more or less. I was born in Blythe Township.

Cross-examined:

I cannot tell my birthday; I can't tell what year I was born in. I tell my age from what I heard my mother say; she told me I was between twenty-four and twenty-five years of age. To the best of my opinion she told me a month ago, or less. I never paid any taxes myself; my mother paid taxes for me; she told me so; I think it was on the day this tax-receipt is dated. I have another tax-receipt; it is in Tamaqua. That receipt was for voting-tax; I think it was dated the 15th of January, 1875. John Hede's name was signed to it, I think; I am not sure. I believe he collected the county tax for 1874 and 1875. I think I got

the receipt about the time it was dated, or some time after. From the time I got the receipt I had it until I took it to Tamaqua. I had been subpœnaed to go to Tamaqua as a witness in the case of Fowler and Felthoff. It was Mr. Fowler's side I was subpœnaed, I guess. That was the receipt I voted on. I think it was for the taxes of 1875. I told you as near as I could when I got it. It was in time for the township election that I got that receipt. I believe it was the last township election.

In chief:

The receipt I have here is dated the 16th of December, 1876. Richard Coogan gave me the receipt I got in January, and which was kept at Tamaqua. That is the receipt that I voted on at the last election. Richard Coogan was not a tax-collector when he gave me the receipt. I did not pay any one for that receipt. Coogan did not state why he gave it to me; I did not ask him for it.

Question. Did he ask you to vote for any one in particular when he gave it to you?

(Objected to that the conversation between the witness and Coogan is not evidence, and being nine months before the last election cannot touch the vote cast by the witness last November.)

Answer. No, sir; Coogan was not a candidate for any office that I know of.

Q. Did you ask him no question, nor did he make any explanation as to why he himself, being no tax-collector, gave you this receipt?

(Objected to as immaterial and irrelevant. Coogan had a right to pay the witness's tax and make him a present of the receipt if he saw fit to do so, and the witness had a right to use such receipt, and his vote in November last cannot be impeached by anything that occurred the preceding January.

A. No, sir; Coogan did not say he gave me that receipt as a present. He did not tell me where he got the receipt from, nor I did not ask him.

Q. For whom did you vote for Congress at the last November election?

(Objected to for the reasons before stated; also that the witness's vote last November has not been shown to have been illegal.)

A. When I went to the poll I asked for the Democratic ticket. They gave me a ticket and I voted it. Patrick Canfield gave me the ticket. I was pretty well acquainted with him. I did not read the ticket I voted. I took it for a Democratic ticket and voted it.

Q. Did you not vote for James B. Reilly for Congress?

(Objected to because the witness has already stated that he did not read the ticket which he voted, and therefore the witness is unable to state whether or not he voted for Mr. Reilly, except from what others may have told him of the contents of the ticket, and that being hearsay is not evidence, and under the circumstances the ticket itself is the best and only evidence as to whose name was on it for Congress.)

A. I can't say; I did not look at my ticket.

Cross-examined:

The ticket which I voted was folded up when I got it, and I did not read it at all. It might be that Mr. Nutting's name was on the ticket in the place of Mr. Reilly's, for Congress. I paid Coogan no money for the tax-receipt. He did not say whether he made it a present to me or not.

his
JOHN + HAUGHNEY.
mark.

Sworn and subscribed February 9, 1877, before me.

JNO. P. HOBART.
Register in Bankruptcy.

PATRICK JOHNSON sworn for Mr. Nutting.

I live in Blythe Township. I voted at the last election for Congressman. I was born in Ireland. I came to this country twenty-seven years on the 11th of next May. I have my papers. I was over six years in the country when I got my first papers. I got my second papers two years afterwards. I paid taxes to Mr. O'Donnell in the year 1875. They kept my receipt in Tamaqua. O'Donnell told me there was a certain time to pay the taxes to get it in time to vote. He gave me the receipt in time to vote, and I paid him after. A couple of weeks ago I paid the collector. I paid taxes for the year 1876. I had no tax receipt but the one at Tamaqua. The other receipt I had I burned. I paid taxes the last time to O'Donnell about two weeks ago, and that was for the tax-receipt he gave me before the election. I paid the taxes to John Hede before the taxes I paid to O'Donnell. I can't tell when I last paid taxes to Hede. He gave me a tax-receipt, but I burned it.

Cross-examined:

I was summoned to Tamaqua as a witness in the contested-election case of Fowler and Felthoff. They kept my receipt and promised to send it back to me, but have not done so. I can't tell what tax it was for which I got Hede's receipt; I think it was for voting-tax. I cannot tell whether it was last year or year before that I paid the taxes to Hede. I only voted twice on the tax-receipt I got from Hede. The time Reilly ran before, I voted at two elections, and this time I am going to vote two again. Sometimes when I have it I pay my taxes, and sometimes I don't have it, and I don't pay it. I pay my taxes every year. John Hede was collector two years, and I paid him every year, and O'Donnell was collector now going on two years, and I paid him too. I paid O'Donnell but once, and that was last year's tax, and that was a couple of weeks ago. I didn't pay O'Donnell anything in 1875.

In chief:

Question. For whom did you vote for Congress at the last November election?

(Objected to for the reasons before stated, and also because it appears from the testimony that the witness has paid all his taxes in due time, and is a qualified citizen of the United States, and therefore his vote cannot be inquired into.)

Answer. I voted for Reilly and all the rest of them. I am a Democrat, and a sound one too.

Cross-examined:

I cannot read, and did not read the ticket that I voted. Another good Democrat gave me the ticket; I did not open the ticket; I trusted the man, and I would not take any other ticket from him; the ticket was folded up; the man that gave me the ticket read me Reilly's name on the outside; there was print on the outside, and I asked the man was it a Democratic ticket, and he said it was. It was afternoon when I went to the polls. I have nothing to know whether Reilly's name was on the ticket, but from what the man told me. I did not know what man's name was in. He was a Democrat himself, and he knew I would not vote any other ticket. Nutting's name may have been on the ticket as well as Reilly's, for all I know. I had nothing to go by but the word of the man who gave me the ticket, and whether he told me the truth

or not I do not know; I had to depend entirely upon him. He had the ticket first open, and then folded it up and handed it to me. He was rolling up the ticket when I went there, and I asked him if that was the Democratic ticket, and he said it was, and that Mr. Reilly's name was on it.

his
PATRICK + JOHNSON.
mark.

Sworn and subscribed, February 9, 1877, before me.
JNO. P. HOBART,
Register in Bankruptcy.

PATRICK FLAHERTY, sworn, for Mr. Nutting.

I live in Blythe Township; I voted at the last November election for Congressman; I was born in Ireland; I came to this country in 1848; I have my papers; I paid taxes for 1875; I have lost the 1875 tax-receipt; I have the receipt for 1876; I paid my own taxes.

Cross-examined:

This is my tax-receipt for 1876, which I paid myself to Barney O'Donnell.

(Witness produces receipt dated September 20, 1876, for 83 cents, for county and building tax for 1876, signed by Bernard O'Donnell, collector.)

I paid my taxes for 1875 in the year 1875. I have had my naturalization-papers for some years.

In chief:

I paid the tax to O'Donnell at the time I got the receipt, and got the receipt the day it was dated.

his
PATRICK + FLAHERTY.
mark.

Sworn and subscribed, February 9, 1877, before me.
JNO. P. HOBART,
Register in Bankruptcy.

JOHN WHELAN sworn, for Mr. Nutting.

I live in Blythe Township. I voted at the last November election for Congressman. I did not pay any taxes myself in the year 1875. My wife paid it. I have the receipt. I guess this tax was paid the time the receipt was dated. I paid taxes for the year 1876. I have my receipt. My father paid it. I suppose it was paid the day it is dated. I was born in Ireland. I came to this country in 1845. I became a citizen on the 11th of September, 1854.

(Witness produces his certificate of naturalization, dated 11 September, 1854, not signed by the prothonotary.

Mr. Whitehouse offers the certificate in evidence.

Mr. Schalck objects, on the ground that this is private property of the witness, and that a duplicate certificate of the proceedings in this case can be had at any time from the prothonotary of the court of common pleas of Schuylkill County, the proceedings having taken place and being on record in said court. Also, that as the certificate produced itself shows the seal of said court impressed upon it. It is plainly visible, and that such seal is the only authentication that this document requires, and that the omission of the phothonotary to sign his name thereto cannot invalidate the document. Also, protesting against the right of the register in bankruptcy to take charge of this paper.

Mr. Whitehouse requests the register to take charge of the certificate. The witness consents upon the register's promise to return it to him.)

Cross-examined:

Patrick Devlin was my witness when I was naturalized. I took my first and second papers out together, all in one. I got my papers the same day I went there to be sworn. I don't mind what kind of a paper I signed. I remember that I was sworn to the papers, and that I was made a citizen in court. I was sworn on the day the certificate is dated. I have had this naturalization-certificate ever since. I have had the tax-receipt of 1876 ever since the time it was dated, and the tax has never been demanded of me since. The receipt dated January 11, 1876, is for the voting-tax of 1875. My wife paid it with my money. I have no doubt it was paid at the time the receipt was given, and I have had it ever since.

In chief:

Question. For whom did you vote for Congress at the election in November last?

(Objected to for the reasons heretofore stated, and because it clearly appears that the witness was a fully-qualified voter.)

Answer. I voted for Reilly.

Cross-examined:

I opened and read the ticket which I voted. I don't remember the names that were on the ticket. I remember Colihan's to be on it. That is about all I do remember. I am certain I voted for Reilly for Congress.

JOHN WHELAN.

Sworn and subscribed, February 9, 1877, before me,

JNO. P. HOBART,
Register in Bankruptcy.

EDWARD KAIN sworn, for Mr. Nutting.

I live in Blythe Township. I voted at the last November election. I did not pay a State or county tax within two years of the last election; it was paid for me.

Cross-examined:

I have not the receipts with me; they are in Tamaqua with Mr. Fowler. I was subpœnaed up there as a witness in the case of Fowler against Felthoff, contested-election case. I was subpœnaed on behalf of Mr. Fowler, and notified to take my receipt up there. Mr. Fowler was the Republican candidate for legislature in that district. One of the receipts they kept were for the taxes of 1874; all the taxes signed by John Head, the collector of that year. I don't know the date of the month, nor the month when that tax was paid; I could not tell whether it was before or after the 7th of November, 1874; I think it run out before the 7th of October, 1876. The receipt for the tax of 1876 was for the county or voting tax of 1876. I did not pay myself. Barney O'Donnell told me it was paid by the county committee; the same Barney who is tax-collector.

In chief:

I don't know of my own knowledge that the tax for 1876 was paid for me or not. I remember the day I received that receipt; it was on the 7th of October, 1876; it was on a Saturday evening. I gave another to James Coyle that the tax-collector gave me to give him.

Question. For whom did you vote for Congress at the last November election?

(Objected to for the reasons before stated, and that the illegality of the witness's vote has not been shown.)

Answer. James B. Reilly.

Cross-examined:

I opened and read the ticket I voted; it was not folded; it was lying on the table in the sheet; I am sure that Mr. Reilly's name was on that ticket for Congress.

EDW. KAIN.

Sworn and subscribed, February 9, 1877, before me.

JNO. P. HOBART, *Register in Bankruptcy.*

The taking of testimony before me closed February 9, A. D. 1877.

JNO. P. HOBART, *Register in Bankruptcy.*

All interlineations and erasures made in the taking down of the testimony on February 6, 7, 8, and 9, were made by me before signing.

JNO. P. HOBART, *Register in Bankruptcy.*

I hereby certify that the testimony of the foregoing witnesses, together with the questions proposed by the counsel and agents of the parties, I reduced to writing, in the presence of the counsel and agents of the respective parties, and caused the same to be duly attested by the witnesses respectively.

Witness my hand this 13th day of February, A. D. 1877.

JNO. P. HOBART, *Register in Bankruptcy.*

EASTERN DISTRICT OF PENNSYLVANIA, *ss:*

I, John P. Hobart, a register in bankruptcy of said district, and residing at Pottsville, in the thirteenth Congressional district of Pennsylvania, before whom the foregoing evidence was taken, do hereby certify that the foregoing testimony is the testimony of the several witnesses produced and examined on the part of the contestant, on the several days the examinations bear date; that before said witnesses were examined they were severally sworn; and that the testimony, together with the questions proposed by the agents or attorneys of the parties, were reduced to writing by me, and duly signed by said witnesses, respectively, before me; and that the several exhibits hereinbefore referred to, and lettered and numbered, were severally offered in evidence, and hereto attached.

Witness my hand and seal, at Pottsville aforesaid, this 13th day of February, A. D. 1877.

[SEAL.] JNO. P. HOBART, *Register in Bankruptcy.*

EXHIBIT A A.—*John C. Conrad, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *January* 26, 1877.

SIR: You are hereby notified, that in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and

the several supplements thereto, it is my intention to examine the witnesses, whose names are hereinafter given, before John C. Conrad, esquire, a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of William H. Kiretzle, United States Hotel, in the borough of Tamaqua, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Tuesday, the 30th, Wednesday, the 31st days of January, 1877, at 9 o'clock in the forencon and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district, to which the examination may be adjourned by the officer taking such testimony, to wit:

John B. Gallagher, James Fisher, James McHugh, Charles Toy, John Keston, James Sheridan, Peter Gallagher, Robert Craig, Condy Melley, James Campbell, Michael Connors, Patrick Burns, Dominick Kelly, James Melley, 2d, Daniel Diver, Peter Boner, Daniel Daily, Owen Carr, Peter McGee, James Fisher, Mathew Gray, Patrick O'Donnell, Patrick McDermott, Condy Minealis, John Meenah, William Delay, Bernard Cunnin, James S. Gallagher, Edward O'Donnell, Christopher Burns, Joseph McHugh, Daniel Boyle, Hugh McCafferty, Patrick Gildea, Morris Coll, John Dale, Charles Boner, John O'Donnell, Moses Houser, Michael Rodgers, John Boner, James Melley, 1st, Patrick Molloy, Richard Hoben, John Delay, Jacob Barrier, James McElroy, Rodger Rodgers, Patrick Meehan, Patrick McElroy, Daniel Boyle, Bernard Boyle, Patrick Moore, Denis Carr, Henry O'Neil, sr., Lawrence Herron, James Campbell, Charles Connahan, Philip Gallagher, Daniel McGee, Daniel Melley, Condy Gillespie, Charles Barnes, Samuel Fleming, William Barnes, Henry Poh, Alfred Poh, Mathew McCracken, Manus Molloy, Henry O'Neil, jr., Bernard Gallagher, Denis Gatens, Bernard Kelly, Henry Campbell, John Kelly, Cornelius McHugh, Edward Quillen, John Monday, James Kelly, Henry O'Brien, James Cunnin, Michael Sweeny, James McGee, James Gallagher, 2d; Hugh McGee, Eugene Magner, Condy Gallagher, John McNeal, Owen Connelly, Denis Gallagher, Patrick Bonner, James Herron, Joseph McGeehan, Daniel Malarky, Daniel Gallagher, James O'Neil, William Durn, John Timony, John Dindinger, Michael Melley, Patrick McGeehan, Thomas Herring, Neal Boyle, Edward Herring, Bernard Keefe, John Malony, John Yern, Andrew Boyle, John Sharpe, Thomas Boyle, Charles Fulk, John Bailey, William Meehan, John Fulk, Edward Delay, Hugh Fisher, Michael McFadden, Dan O'Donnell, Patrick Boner, Stephen Condon, Francis Sweeny, David Brennan, John McGeehan, Edward Boyle, Daniel Barnes, Edward Bergan, Michael Coyle, Bernard Shovelin, Andrew Harrigan, Nicholas Coogan, William Gatens, John Burns, Peter McGobrick, Benjamin Poh, Silas Hoffman, Christopher Burns, jr., Peter O'Neil, William Sweeney, Jeremiah Foley, Bernard Callahan, Robert Gillespie, Peter Durn, Patrick Doherty, John McHugh, Charles Gallagher, James Brennan, Neil Fisher, John Boyle, Patrick McGee, James McDermott, Connel Rodgers, Edward Simmons, William McDonald, James Boner, Andrew Haiken, George Hoffman, Denis Boner, Samuel Hoffman, Daniel Doherty, James Kelly, Henry O'Brien, John J. Lewis, John Munday, John O. Richards, John B. Gallagher, Peter McGee, Peter Gallagher, all of Rahn Township, in said county of Schuylkill.

Peter McDevett, Denis O'Donnell, Michael Kelly, James Haggarty,

David Gildea, James Mullen, Matthew Cumming, John McFadden, William Bellingsley, George Kaise, James McNelis, James S. Brown, Daniel Brobst, John Hernehen, Jacob Newhower, William Gordon, John Cook, James McBrearty, John Gorman, John W. Newhower, Condy Gildea, James Whitehead, John B. Gallagher, Michael Cunningham, John P. O'Donnell, Thomas Gallagher, Patrick Lafferty, Philip Riley, Thomas Brennan, Joseph Baker, John Tomany, Isaac Phillips, Connel McGee, Michael O'Donnell, Michael Castle, Andrew Coyle, Hugh Garrahan, John McDonald, Thomas Stapleton, William H. Connelly, Neal McNelis, John Sharkey, Simon Heeney, John Fitzgerald, Michael Riley, Matthew Dailey, William Kelley, Oswald Pfaffer, Patrick Walsh, Henry Madden, Michael Burns, James Gildea, Edward Purcell, Peter Boyle, Patrick McNelis, Patrick McDermott, Patrick O'Donnell, William Curry, William Ferry, John McGlinn, Patrick Burns, Patrick McBride, Daniel Scanlin, Roger O'Donnell, Jeremiah Conaghan, Thomas Doulin, Michael Cullanan, Denis O'Heron, Michael Shaughnessy, Owen Gallagher, Abraham Turnback, James Muldowney, Michael Ferry, Frank Gallagher, Charles Boyle, Neal R. Johnson, Patrick Mullen, James Mullen, Hugh Ferry, James Brennan, Thomas Mulvey, James Cunningham, Luke Whitaker, Michael O'Donnell, James Boyle, John Daily, William McFadden, Dennis McCoole, John Hultsizer, John Whitaker, John Mundy, Barney O'Donnell, Patrick Manly, Patrick Boner, Patrick Gallagher, David Byrne, Patrick Garey, Peter Felte, James McLaughlin, Edward McGlinn, Michael Lynch, Conn Haggarty, Patrick B. Boyle, James Stapleton, Edward Ferry, Patrick Friel, John Wenbleregen, John McHugh, Edward Coffee, James McCarten, Thomas Castle, Patrick J. Boyle, John McCaffert, Edward O'Donnell, Christopher Miller, John Flynn, Charles Cull, Patrick Martin, John Moran, Barney Burns, John McGee, Matthew Crossen, Nathan Turnback, John Garvey, Jerry Burns, John Kelly, John McCabe, Neal O'Donnell, George McConnell, Fred Boyle, Hugh McCafferty, John Algier, Edward Mulligan, Peter Cull, Patrick Boyle, David Beygon, Jacob Babst, Daniel Boyle, Dennis McGinley, Condy Boyle, Edward Muldowney, Patrick McShea, Charles Diver, Hugh McCready, Daniel McCafferty, John Boyle, Michael Collins, Daniel McGeehan, Charles Gallagher, James Castle, Phillip Crossen, John Fouse, William Mowrey, Barney Burns, jr., Dennis Byrne, William E. Maloney, Manus Maloney, John McDevit, John Boyle, Hugh Boyle, Michael Kelly, John Clark, Neal Diver, Patrick Dunleary, Thomas Banaghan, Daniel Gallagher, John Shultz, John Dolan, Condy Murrin, James McBrearty, James Mullen, sr., James Mullen, jr., John B. Gallagher, John P. O'Donnell, Thomas T. Williams, Thomas Gallagher, all of Kline Township, in said county of Schuylkill.

Adam Dickman, Frederick Eisantag, Edward Schleicher, George Kick, 1st, John Schendrumpf, Christian Schilber, George Kick, 2d, Joseph Mackey, Philip Faber, Barney Sharp, Herman Hagelgaus, H. S. Kepner, George Walker, Philip A. Kichs, Edward Lloyd, William Collins, Martin Bartholoma, Nicholas Lurch, Edward Gillespie, Thomas Purcell, Albert H. Tiley, James Gillespie, William Tiley, Daniel Shirey, John Bryant, William Gillespie, Frank Munday, Frank Ellick, George Schilbe, Edward Munday, Cormick Higgins, Simon Farmon, Charles Boyle, Thomas Munday, sr., John M. Carron, Christian Bryant, Arthur Raspbridge, Watkins Beynon, Lewis Ramale, Bernard McNelis, Conrad Brischoff, Wm. Higgins, Edward Kennedy, Barney Mulhart, Rudolph Feist, Nicholas Kich, Charles Cromly, William Byel, Patrick Farrell, Joseph Leiby, Frederick Remon, Thomas M. Millan, Charles S. Kerns, Patrick Carlin, Lot Kirkpatrick, Nice Ferry, John Tiley, Charles Fairer

George Isleib, John Isleib, George Higgins, Frederick Scheide, Peter Fevre, Valentine Wittig, Henry Porr, Lewis Pfeil, James Kilday, Peter Schugard, Michael Heigley, Ernst Pfeil, John Schugart, Martin Schugart, Samuel N. Williams, John Scheid, Adam Scheid, Owen McCauley, Christian Boctger, John Donat, Thomas Furey, Henry Rinker, Peter Lindeman, John Scheidiger, Adam Schad, Gideon Staller, Wm. Hodgkins, jr., Henry Meine, David Randall, John G. Shoep, Barney McCarron, Peter McIllanny, all of the north ward in the borough of Tamaqua, in the said county of Schuylkill.

Thomas Zimmerman, Jacob Billman, Frank Behler, L. H. Suldner, J. J. Deashler, Gideon Bigler, F. E. Zimmerman, J. B. Miller, Henry Hartzell, Tilman Rex, Joseph Shelhammer, Joseph W. Zimmerman, and Benneville Haldeman, all of West Penn Township, in said county of Schuylkill.

William Hoffman, John Haggarty, Hugh Boyle, Michael Boyle, Patrick Flynn, Patrick Flynn, Joseph McDonald, John Maloy, John Maley, Peter Stelitz, James Mullen, Adam Schork, all of North Schuylkill election district, in said county of Schuylkill.

Jacob Feagler, Joseph M. Barkert, Samuel Roth, Lewis Shoemaker, William Stier, Landes Stewart, John Effert, Henry Geiger, John Albertson, William Snyder, Willoughby Woolis, Condy Malherrin, Michael Holland, Hugh Feldy, J. W. Depew, Thomas Miller, Herman Reedy, Edward Banks, John Danbert, J. Harvey, Timothy Flynn, J. A. Trable, all of Rush Township, in said county of Schuylkill.

Peter Bissel, Francis S. Curran, W. J. McHugh, Richard Curnow, Humphrey Donohoe, J. H. Pontiers, Daniel Dean, B. T. Day, John T. Higgins, P. McCommas, Benj. Curnow, Edward Monday, Lafayette Fritsch, Francis Conyngham, Jas. M. Deener, John Donohoe, James Donohoe, Philip McNelis, James Smitham, Manasses Michael, Thomas Haggarty, Thomas Clark, Patrick Dolan, Terrence Cunningham, Robt. C. Sleath, Philip McIntyre, jr., Wm. Bachert, Wm. T. Southarn, Otis Buckman, Michael Bumsheer, Daniel Campbell, C. G. Schriner, Patrick Coyle, Edward Gill, Ed. W. Waters, Peter Dillman, Christopher Weldon, Patrick Trainor, David Burrell, Frank Shul, Aaron King, Robert Mackey, Henry Steinert, John Booth, Adam Kutz, John Herby, Luke McCool, James McConnell, John McConnell, Peter Trainor, Thomas Trainor, Patrick Cadden, Chas. A. Haas, Thomas McBeem, Michael McCaffrey, Joseph Southarn, William Kemmery, all of the south ward in the borough of Tamaqua, in said county of Schuylkill.

J. L. NUTTING.

Hon. JAMES B. REILLY, or JOHN A. NASH, Esq.,
His Attorney.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

William R. Bowman, being duly sworn, says that he made diligent search for James B. Reilly and his counsel, John A. Nash, esq., in the borough of Pottsville, in the county of Schuylkill, in the afternoon of the 26th day of January, 1877; that he called five times at the offices of said James B. Reilly and John A. Nash; that he called at their respective residences in the said borough of Pottsville, and failed to find either of them; that he therefore served the foregoing notice to take depositions upon said James B. Reilly, by leaving a full, true, and complete copy or duplicate thereof at his usual place of abode in the said borough of Pottsville, by handing the same to his wife and leaving it in her possession, at 10 o'clock in the evening of said 26th day of January, A. D. 1877.

WILLIAM R. BOWMAN.

Subscribed and sworn to before me, this 30th day of January, A. D. 1877.

[SEAL.] JOHN C. CONRAD, *Notary Public.*

EXHIBIT D D 1.—*John C. Conrad, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *January* 29, 1877.

SIR: You are hereby notified, that in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, before John C. Conrad, esquire, a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of W. H. Kintzle, in the borough of Tamaqua, county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Thursday, the first day of February, 1877, at nine o'clock in the forenoon, and on each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

John Campbell, William Saradrock, John Masterson, William Priser, Michael Kaerney, Fred. Lawall, William Brown, William Brawn, John Heffler, Fred. Beltzner, Robert Fibick, Thomas Kleppinger, John Deist, Peter Cox, John Fulton, Michael Mull, E. D. Eynan, Conrad Limbing, Thomas Purcell, Henry Mullen, Frank McFartau, Frank McFarland, Patk. Mundy, James Purcell, E. J. Faley, William Haber, Thomas Caumon, Martin Kelly, George W. Demnistan, Henry Zert, Daniel Skelly, John Boyle, Fred. J. Scheider, Fred. J. Schneider, John Foerer, George Baur, John Sherry, George Warrington, Fred. Lowe, Henry Busi, Hugh Tamony, Nicholas Beltz, James Mullen, Justice Dice, Lewis Byle, Lewis Boyle, Patrick Nolan, N. Mundy, Mernius Burns, William Beil, Edward Kelly, Frank Wink, Christ. Scheide, George Schad, John Staufenberg, Conrad Clausius, Bartlett Kraft, Dennis Gallagher, The. Buri, William Geulfud, Pat McLaughlin, Geo. Boyle, Henry Mullen, C. Hilligas, William Oschman, John Gallagher, John Beil, Philip Kelly, P. McIntyre, Charles Powell, Benj. Eakrotk, Lawrence Barrett, George Raaln, George Rahn, Thomas S. Carten, Thomas S. Carter, Henry Storick, Rufus Kemery, Walter Beynon, John Bartner, Charles Nabf, A. A. Yarrington, Patk. Lafferty, Christ. Schaue, Frank Gallagher, John H. Gallagher, Will. Campbell, Thomas Skelly, all of the east ward, in the borough of Tamaqua, in said county of Schuylkill; Frank Horn, James McGuire, James Doolan, John Sheaffer, all of the borough of Middleport in said county.

J. L. NUTTING.

Hon. JAMES B. REILLY.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me, the subscriber, a notary public in and for

said State and county, William R. Bowman, who, being duly sworn, says that on the 29th day of January, 1877, at half past five o'clock in the afternoon, he served the foregoing notice to take depositions upon the said James B. Reilly, by leaving with him, personally, a full, true, and complete copy or duplicate thereof.

WM. R. BOWMAN.

Subscribed and sworn to before me this 31st day of January, A. D. 1877.

[SEAL.] H. K. WESTON, *Notary Public.*

EXHIBIT G G 1.—*John C. Conrad, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *February* 3, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, before John C. Conrad, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of William H. Kintzel, in the borough of Tamaqua, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Thursday, the 8th day of February, 1877, at nine o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

Edward Brennan, George Hoffman, both of the east ward, in the borough of Tamaqua; and James Monday, of the north ward of said borough of Tamaqua, in said county.

J. L. NUTTING.

Hon. JAMES B. REILLY, or
JOHN A. NASH, Esq.,
His Attorney.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me, the subscriber, a register in bankruptcy of the eastern district of Pennsylvania, William R. Bowman, who, being duly sworn, says that on the 5th day of February, 1877, he served the foregoing notice to take depositions upon the said John A. Nash, esq., attorney for said James B. Reilly, by leaving with him, said attorney, personally, a full, true, and complete copy thereof, and leaving the same in his possession.

WM. R. BOWMAN.

Subscribed and sworn to before me this 6th day of February, A. D. 1877.

JNO. P. HOBART, *Register in Bankruptcy.*

EXHIBIT F F 1.—*John C. Conrad, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *February* 7, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, before John C. Conrad, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of William H. Kintzel (United States Hotel), in the borough of Tamaqua, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Friday, February 9, 1877, at nine o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

Thomas McBreen, of the south ward of the borough of Tamaqua; James Munday, of the north ward of the borough of Tamaqua; George Hoffman, of the east ward of the borough of Tamaqua.

JAMES L. NUTTING,
By his attorney, R. L. LEYBURN.

To Hon. JAMES R. REILLY, or
ANTHONY CAMPBELL, Esq.,
His Attorney.

STATE OF PENNSYLVANIA,
Schuylkill County, ss:

R. L. Leyburn, being duly sworn, says that he served the foregoing notice to take depositions upon the said James B. Reilly by leaving a full, true, and complete copy or duplicate thereof with his attorney, Anthony Campbell, esq., by handing the same to him, informing him of the contents thereof, and leaving the same in his possession, at the United States Hotel, in the borough of Tamaqua, at twenty minutes before eleven o'clock in the morning of Wednesday, February 7, 1877.

R. L. LEYBURN.

Subscribed and sworn to before me this 7th day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD, *Notary Public.*

In the matter of the contested election in the thirteenth Congressional district of Pennsylvania, for a seat to represent said district in the House of Representatives of the United States of America, Forty-fifth Congress.

Depositions of witnesses taken before John C. Conrad, a notary public in and for the county of Schuylkill, and State of Pennsylvania, residing in the thirteenth Congressional district of Pennsylvania, at the public house of W. H. Knitzle, in the borough of Tamaqua, in the county of Schuylkill aforesaid, on the part of James L. Nutting, contestant, on January 30, A. D. 1877.

Counsel present, J. H. Pomeroy and William R. Smith, esqrs., for contestant, and Anthony Campbell, esq., for incumbent.

William P. Smith, counsel for contestant, offers in evidence the notice of taking testimony at this time and place, with proof of service upon the incumbent, marked "Exhibit A A."

PETER GALLAGHER sworn.

I reside in Rahn Township; I am the collector of county and State taxes for 1876; I have my duplicate with me; I am the collector of all the taxes—county, road, school, and State. Michael Meley paid his taxes for the year 1876; his name is spelled on my duplicate "Meloy"; his county-tax, seventy-five cents, and the county funded-debt tax is eight cents; he paid this tax himself; the receipt will tell when he paid his taxes. (Receipt shown witness.) This is my receipt; it is dated October 4, 1876. Michael Meley paid me his State and county tax on the fourth day of October, 1876; he paid it in my own house; he is my next-door neighbor. I know Patrick O'Donnell; there is two Patrick O'Donnells in that township.

(The counsel for incumbent objects to asking any questions in regard to certain receipts purporting to be signed by the witness as tax-collector of Rahn Township, on the ground that the contestant says that he does not propose to offer them in evidence and make them a part of this record. He further asks that the foregoing evidence in regard to these receipts shall be stricken from the record.

The counsel for contestant states that the receipts are shown to witness simply to refresh his recollection, as he testifies that he can't tell from memory or his duplicate the date when the taxes were paid.

(Counsel for incumbent further objects to the evidence or the offer of contestant's counsel, for the reason that the witness states that the receipts bear on their face the date when the taxes were paid, and, therefore, the evidence is incompetent for the purposes offered.)

One of the Patrick O'Donnells paid his taxes for the year 1876 in full. He lived at Coaldale. He paid it himself. To the best of my opinion, he paid me in my own house.

(Witness shown receipt dated October 5, 1876, issued to Patrick O'Donnell, and signed "Peter Gallagher, collector," for all the taxes for 1876.)

I can tell no more than look at this receipt.

(Marked "No. 1, R. T.—H. B. Graeff, commissioner.")

Question. Were the taxes referred to in this receipt paid you before or after the last November election?

(Counsel for incumbent objects to the question, for the reason that the witness has already stated that the tax was paid on the day the receipt is dated; and, further, that they cannot contradict their own witness by his oral testimony.)

Answer. To the best of my knowledge it was paid before the election.

Q. Will you swear positively that this tax was paid before the last November election?—A. As the receipt shows, that is what I swear to.

Q. Do you swear that the receipt is dated on the day the taxes were paid?

(Counsel for incumbent objects to the question, on the ground that it is cross-examination of his own witness.)

A. To the best of my knowledge it was; but I will not positively swear that it was. I did not write my name to the receipt. My son, John Gallagher, wrote my name to it. I have two sons who do my clerking. I would not say that I was present when my son signed the receipt.

Q. Can you explain why the date to the receipt is in lead pencil and your name in ink?—A. Because I am a poor scholar myself, my boys filled all my receipts and signed my name at the same time. It was all done or principally done at leisure. The receipts were all filled up in advance, and name put to them by my sons, and then when the parties called to pay their taxes then the date was put in. I could not swear which of my boys put in the date. I left my duplicate at the house when I was not out collecting, and my boys received some of the taxes and delivered some of the receipts; and when I went around collecting I always had one of my boys with me. I can write my own name. I did not sign any receipts myself. The other Patrick O'Donnell did not pay his taxes. He lived at a place called Centreville. I knew him. He has left; and can't tell when he did leave. He was a married man, about thirty-five or forty years of age. The other Patrick O'Donnell, who paid his taxes, is a married man, about thirty-five or forty years of age, or perhaps a little older. I was in the house when O'Donnell paid the money. I did receive taxes on the election-day and gave them the receipt on the same day. I know Gideon Moser. He lives in Coaldale. He has paid his taxes for 1876. I can't tell when it was paid, only what the face of the receipt shows.

(Receipt of October 3, 1876, issued to Gideon Moser, signed "Peter Gallagher," shown witness, marked "No. 53, R. T.—H. B. Graeff, commissioner.")

This is my receipt. The date is darker than when I finished it. It seems to me the pencil is darker than the one I carry and the one the boys used. Mrs. Gideon Moser paid the taxes. She paid it on the same date on the receipt. When she came out of her room to pay the money she told me she was going to the city, and she did not like to change a big bill. I did not pocket the money till I gave the lady the choice to use this money again. She did not get the big bill out at all. She laid down some money. I could not tell how much. She said it lacked some of the amount of the taxes, and she would not like to change the big bill. I told her then that she could have the use of the money till I would come around again. I did not take any money away from the house on the day of the date of this receipt. I took this receipt with me. As near as I can tell, it was perhaps a month after this that I called upon her; and then I got the money and I delivered to her the receipt. I don't know whether I know Henry Sheckler or not. There is two or three of them. There is only one Henry Sheckler that I know of.

(Witness shown receipt dated October 5, 1876, issued to Henry Sheckler, and signed "Peter Gallagher," marked "No. 51, R. T.—H. B. Graeff, commissioner.")

I can't tell who this tax is paid to, whether to myself or boy. My two sons, John and Edward, principally did the writing. Edward did the most. My son Connell may have done some. I can't tell of my own knowledge whether they always put the right dates or not to the receipts when I was not present. I did not always examine the receipts when I was present to see whether they put the right date to the receipts. Of thirty of the receipts now shown me, I am sure I received the money and road-orders in person on four of them. Charles Boner paid his taxes. He gave me road-orders. He had some road-orders, and called on me for the money. The road-orders were for more in amount than the taxes. I am the treasurer of the township. I did not pay them, because I had no money then. This was in May or June, 1876. I paid him the road-orders since. I don't know when I paid the road-orders;

but I was sure to keep the taxes out of them. He left the road-orders at my house the first time he asked me for the money. I was not at home the day that Boner was settled with; but I suppose it was at the time when the receipt was given.

(Witness shown receipt, dated October 3, 1876, issued to Phineas Whetstone, and signed Peter Gallagher.)

This tax is paid, and his name appears on the duplicate—Pharow Whetstone. He paid the money to me or to my boys in my presence. I cannot say that it was Mr. or Mrs. Whetstone who paid the money. It looks as though I put this date to this receipt. I don't remember that this tax was paid within a week of the last November election. Although I have this receipt before me, I would not swear that it was not paid within a week of the election. I know John Scott. He paid me a tax in 1876. He paid that tax after the election. I remember of seeing him at the poll on election-day. I held a conversation with him; it was about the election. He asked me the reason why I did not collect tax of him. I told him that I must have been a good neighbor of his, that I was not in a hurry to get the tax of him. As far as I recollect, he said he would like to vote. I told him certainly he could do that. He told me he did not pay his taxes in 1875; he told me he would not like to lose his vote to-day. I can't help that. That is not the whole of the conversation that I had with him. I told him I would give him a tax receipt to vote. I did not give him one; I thought it was not right to give it to him. After saying that I would give him a tax-receipt I changed my mind. I am positive that I give him no receipt.

I cannot tell what became of Scott; I can't tell which way he walked. I know Charles Stewart. I had a conversation with Stewart after I had the conversation with Scott; it might be within five minutes. I said, "Mr. Stewart, I proposed giving Scott a tax-receipt, which might be wrong. What do you think of it?" "I think," says he, "Gallagher, better not." When he said "better not," I walked away from Stewart. That is all the conversation that I had with him that I recollect of. I said to Mr. Stewart that I did not like to see the boy lose his vote. I do not recollect that I said that I had been giving out receipts to both parties. If I had such a conversation with Stewart, I cannot recollect it. I gave out tax-receipts on the election-day; I do not remember what date they were. I do not remember of giving out any tax-receipts on the election-day, or within thirty days thereof, for the purpose of affording any one to vote, as I thought it was on 1875 tax receipts and not on mine at all. I did date tax-receipts back, or allowed it to be done. I do not remember any one to whom a tax-receipt was given dated back.

Q. Why did you date back, or cause to be dated back, any receipts to date prior to October 7, of parties who paid their taxes on election-day or within thirty days of the election?

(Counsel of incumbent objects, first, because it assumes a fact that it has not proved; second, because it is a cross-examination of the contestant's own witness.)

A. For love of getting in the tax; I suppose I could get in the tax without dating the receipt back; that is all I can give as the reason for it. I know Daniel Melley; he paid me a tax for 1876; his name was on my duplicate furnished me by the commissioners. I know Bernard Boyle; he paid me a tax in 1876; he paid it early in the season; I cannot tell if it was prior to October. I do know Peter McGorlick; he paid his taxes; I do not know that he paid the taxes prior to October 7,

1876. I know John Meeny; he paid me a tax in 1876; I cannot tell whether it was prior or after October 6. I know Robert Gillespie; he paid me a tax in 1876.

Q. When did Robert Gillespie pay you his tax for 1876?

(Counsel for incumbent objects, for the reason that the tax-receipts are the best evidence of when the tax was paid, and tax-receipts being in the possession of the contestant. This objection is to cover all previous questions of the same character.)

A. Robert Gillespie paid me no tax himself; the father told me to keep his son's tax out of his road-order. His father's name is Condy Gillespie. He presented his road-order long before he paid his taxes. I can't tell when the road-order was cashed; I can't tell if was before or after the election; the order was presented before the election; I could not say if the order was presented as long as a month before the election; I have no idea how long before the election it was; he presented a great many different orders; I do not know which order the taxes were taken out of. I had a dispute with Condy Gillespie about paying his son's taxes, after he had told me so; do not remember what time that dispute occurred; do not know whether it was before or after the election; it was not at the time when I gave him the tax-receipts; I can't say where I gave him the tax-receipt.

Q. Under what circumstances did this dispute between you and Condy Gillespie arise?—A. He allowed he was too poor to pay all the tax, but he was willing to pay State and county. I said, "Condy, why did you not tell me, when you told me that you would pay your son's tax?" He came to my house at the time the dispute occurred; he came with a road-order for money; he presented the order to me before this dispute occurred; he told me to keep his and his son's taxes out of his road-order. Condy Gillespie paid me a tax in 1876. I kept the taxes out of orders that had been presented for payment. I can't tell whether it was before or after the election that I gave him his receipt. I gave him the receipt before the dispute occurred; cannot tell how long before; I am not sure that I gave him the receipt when the dispute arose. I gave no written authority to my sons to sign tax-receipts, but merely a verbal order.

The incumbent, reserving to himself all objections and exceptions that can be taken to the foregoing testimony, proceeds by counsel to cross-examine witness.

Condy Gillespie worked on the roads in Rahn Township. I was and am yet treasurer of that township. All orders given by the supervisors are cashed by me. There are times in the year when there is no money in the treasury. I have bought the orders when there is no money in the treasury. I cannot remember when any order of Condy Gillespie was presented. I think that Gillespie worked on the road in May, 1876. I have no recollection when the first money run out in the treasury. I can't say that I had any money in June. I can't say that he presented orders every month from May to the election. I cannot tell whether the last order was presented before or after the election. They have not quit work yet. When Condy Gillespie presented the order to me when there was no money in the treasury, he told me to "take mine and my son's taxes out of the order." I considered it a payment of the taxes. If these orders had not been paid by the township I would have been compelled, in my settlement with the commissioners, to pay them out of my own pocket.

At the time Mrs. Gideon Moser called upon me to pay her husband's

taxes I considered it a payment at that time; all the money that she turned over to me I lent back to her; she told she should never forget it to me; her husband's receipt was dated that morning, signed with my name. I would have done the same for any respectable neighbor. She did not say anything about borrowing money until she had tendered me the taxes; she did not request me to give her the receipt at that time.

I cannot say that John Scott voted; I did not give him a tax-receipt when he asked for it. I gave a man of the name of Meehan a tax-receipt on the election; he worked on the road in the spring, and told me to go to the supervisor and collect his tax. The supervisor brought his road-order to my house, and considered it as good as money; I cannot tell when he earned this money. Two orders of Meehan's was presented; should be but one order.

Charles Boner presented orders in May or June, 1876; he told me to keep his taxes out of his order; I did consider that a payment of his taxes; when I paid him the orders I deducted his taxes from the orders.

A great many men worked on the road; I deducted the taxes from every one of them that had anything coming to him, and consider that a payment of their taxes. The boys put the dates in the receipts; they did, the whole of them; I think my boys gave out tax-receipts after October 7, and are giving them out ever since. My uniform custom is to date the receipts on the day that the taxes are paid. I do not keep any memorandum of any parties paying me taxes; I cannot tell when any parties have paid their taxes until I see the receipts.

The reason that I gave my sons orders to make out tax-receipts is because that I am not scholar enough myself. I held myself responsible for anything that my sons did in this line. I know of no instance wherein they abused that authority.

Redirect:

Q. What do you mean when you say that you have sometimes bought orders when there was no money in the township treasury?—A. I mean when a man comes in with an order, and I pay that man the order out of my own pocket, that I consider it bought until there is money in the treasury; or, in other words, I give the party credit who hands me the order, and reimburse myself out of the township treasury when there is money in it. I cannot say that I bought Condy Gillepsie's order in that manner. I did not give him a receipt on the presentation of the order for the taxes of himself or his son. I cannot say that there was any money in the township treasury in the month of July or in August, or to the present time.

Q. What do you mean when you say that you loaned Mrs. Moser all the money that she turned over to you?—A. I mean the money offered to me. I obliged her by returning the money. I did not consider the receipt paid for. I considered the receipt paid for when I got the money. I got the money when I went for it the second time.

Adjourned until 9 o'clock a. m. Wednesday, January 31, 1877.

And now, to wit, January 31, 1877. Counsel present, J. H. Pomeroy and William R. Smith, esq., for contestant, and Anthony Campbell, esq., for incumbent.

Peter Gallagher recalled.

The man's name was William Meehan that I gave the tax-receipt to on the election-day, I think. He told me to go to the supervisor when I was around collecting; that he worked his taxes on the road. I don't know when I went around collecting.

Q. Was it as much as three weeks before the election?—A. I can't tell.

Q. What was the date of the receipt you issued to William Meehan on the election-day?

(Objected to by counsel for incumbent on the ground that the witness has already stated that he cannot remember the date of any receipt he issued without seeing the receipt; that he keeps no memoranda, and that the receipt itself is the best evidence of the date that is on it.)

A. I can't tell the date that was on it or put on it.

(Witness shown receipt dated October 3, 1876, issued to Willim Meehan, and signed Peter Gallagher, for State, county, school, and road taxes for 1876, marked "No. 55, R. T., H. B. Graeff, commissioner.")

Q. Is this the receipt that you issued to William Meehan on the election-day?

(Objected to by the counsel for incumbent on the ground as soon as a fact has not been proved, the witness having stated, in answer to a previous question, that he cannot tell whether it was to William Meehan that he issued a tax-receipt on election-day.)

A. I cannot tell. It is my own receipt; my boys made it out. It is for the county-tax in my duplicate for 1876. I gave him but one receipt. There is only one other man on my duplicate by the name of Meehan, and his name is Patrick Meehan. I issued the receipt on the election-day to William Meehan. Patrick Meehan paid me no taxes.

Q. Did you issue any other tax-receipt on the election-day?

(Objected to by counsel of incumbent that it is not a redirect examination of witness.)

A. I did issue other tax-receipts on the election-day to a man by the name of Bealy; it is John Bealy; his name appears on additional assessment for 1876. This is all that I mind of issuing on that day. It was paid in a road-order.

(Witness shown a receipt dated October 3, 1876, issued to John Bealy for school, county, and road taxes, signed Peter Gallagher, for the purpose of showing that the receipt was dated back or antedated, marked "No. 56, R. T., H. B. Graeff, commissioner.")

This is the receipt that I issued to John Bealy on the election-day. I thought it was due to him to date it back, being as he worked the tax on the road before this time. Also the same to Meehan.

Cross-examination of witness by counsel of incumbent, reserving all exceptions and objections that can be taken to the above testimony.

Q. Did you, as tax-collector of Rahn Township, issue or cause to be issued any illegal or fraudulent tax-receipt?

(Objected to by counsel of contestant. The witness can only testify the facts as to how, when, and in what manner he issued tax-receipts. The law settles whether they were fraudulently or illegally issued.)

A. I did not, to the best of my knowledge.

Q. In your opinion, and as you understand the law on the subject, did you, as tax-collector of Rahn Township, issue or cause to be issued any illegal or fraudulent tax-receipt?

(Question withdrawn by counsel for incumbent.)

Q. If you issued any tax-receipts on the election-day or any day after the 7th October, 1876, did you, or did you not, consider those taxes paid before the 7th October, 1876?

(Objected to by counsel for contestant. It matters not what the witness considered; the question is, were the taxes actually paid or not.)

A. Well, I considered it paid in the way of dealings that I had.

Q. If you did issue any tax-receipts on the election-day or any day after the 7th day of October, 1876, did you make any discriminations as to the political opinions or bias of the parties?

(Objected to as irrelevant.)

A. I did not.

PETER GALLAGHER.

Sworn and subscribed before me this 31st day of January, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

Counsel for contestant reserves the right to call the witness for further evidence.

JOHN O'DONNELL sworn.

I do not live in Rahn Township; I live in Carbon County, in the lower part, at a place called Lansford. From my house to the Schuylkill County line it is about 100 or 150 yards. I have lived there about two years next March, 1877. The election-poll for Rahn Township is at the school-house; I did not vote at the November election in Rahn Township, 1876. It is about a quarter of a mile from my house to the election-poll in Rahn Township. I was not there on the election-day. I used to live in the township of Rahn. I know of only one John O'Donnell in Rahn Township now; when I was there, there was two John O'Donnells including myself. The John O'Donnell that I know lives at Spring Tunnel.

his
JOHN + O'DONNELL.
mark.

Sworn and subscribed before me this 31st day of January, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

JOHN MCGEEHAN sworn.

I live in Rahn Township; have lived there going on seventeen years. I voted at the general election in Rahn Township last November. I was born in Ireland. It will be twenty-five years the 9th of April next. Am a naturalized citizen.

(Produces a naturalization-paper issued out of the common pleas of Carbon County, dated September 25, 1868.)

I am about 44 years of age; was under 18 years of age when I came to this country. I can't tell what month I was born; I only go by guesses. I cannot tell what year I came to the country; I can tell that it will be twenty-five years April next. I keep it in my memory all the time. The name of the sailing-vessel was William V. Kant that I came over in. I paid a tax in 1876 to Peter Gallagher.

Question. When did you pay your State or county tax for 1876, to Peter Gallagher?

(Counsel for incumbent objects. The receipt itself is the best of evidence when he paid his taxes.)

Answer. I will tell the truth; I paid them between two and three weeks before the election.

Q. Did you pay a State or county tax for 1875?—A. I paid my taxes for 1875, as sure as the moon shines. I lost my receipt for taxes of 1875. I testified in the contested-election case of W. C. Felthoff.

Q. Did you, or not, testify in that case that you had not paid a State or county tax to Peter McGee in 1875?

(General objection by the counsel for incumbent.)

A. I did not testify in that case that I paid no State or county tax to Peter McGee in 1875, because I was not asked that question.

Q. Did you, or not, testify in that case that the only tax that you paid in 1875 was to Ben Pope?

(General objection by the counsel for incumbent.)

A. I was not asked for Ben Poe's taxes.

Q. For whom did you vote at the last election for member of Congress?

(Counsel for incumbent objects on the ground that it has not been shown that he is an illegal voter, and therefore they have not right to ask the question, and he further insists that the witness shall not answer the question unless the court of the county of Schuylkill directs him to answer.

Counsel for contestant refers to the testimony of the witness, namely, that he is about forty-four years of age, born in Ireland, came to this country 25 years ago next April 9, 1877, does show him to be over 18 years of age when he came here; and it appears by the naturalization-paper produced, that he obtained the same by fraud upon the court which issued it, by swearing that he came to the country under 18 years of age; the paper is therefore void, and he is not a citizen, and not a legal voter, and counsel insists for an answer to the question.)

Counsel for incumbent states that under his instructions witness refuses to answer the question.

Q. Mr. McGeehan, is Mr. Campbell, who is here present to cross-examine witnesses in behalf of the incumbent, also your counsel?—A. I did not employ him as my lawyer; I guess not.

Q. For whom did you vote for Congress at the last November election?

(Same objection as to previous question. Same kind.

Counsel for incumbent instructs the witness not to answer the question unless instructed by the court of the county, and he further asks that the commissioner make a certified copy of the foregoing testimony, and have it presented to the court of common pleas of Schuylkill County, and have the judges thereof make an order whether or not the question is a legal and valid one.)

A. I voted the Democratic ticket through.

Witness cross-examined by counsel for incumbent, reserving all objections and exceptions that can be taken to the foregoing testimony.

I cannot read or write.

his
JOHN + McGEEHAN.
mark.

Sworn and subscribed before me this 31st day of January, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

Adjourned to 1½ o'clock p. m.

PATICK BONER sworn.

I live in Bull Run, Rahn Township. I did vote at last November election. Was born in Ireland. Came to Rahn Township in 1864. Have lived there ever since, that is in Rahn Township, Schuylkill County. I suppose that I am about 37 years of age; as far as I remember I was 37 years of age last August. Came to this country in the year 1853.

(Witness shown naturalization-paper commonly known as a minority naturalization-paper, issued by the court of common pleas of Carbon County, dated the 2d day of October, 1866, purporting to show that one

Patrick Boner, a native of Ireland, was admitted to citizenship by said court on said second day of October, 1866.)

This is my naturalization-paper under which I claim my citizenship, and claim my right to vote by it. There is another Patrick Boner in Rahn Township.

his
PATRICK + BONER.
mark.

Sworn and subscribed before me this 31st day of January, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

PETER MCGEE sworn.

I live in Rahn Township. Was tax-collector for Rahn Township in 1875.

(Witness set aside till to-morrow morning.)

ROGER ROGERS sworn.

I live in Rahn Township; voted there at the general election last. Was born in Ireland. Was in this country twenty-six years. Am a naturalized citizen. To the best of my knowledge, I am about forty years of age, or over.

Question. Do you remember when you got your naturalization-paper?

(Objected to by counsel for incumbent as incompetent, the papers themselves being the best evidence when they were issued. Witness produces fragments of a naturalization-paper containing no date, signature, or apparent seal.)

Q. Do you remember when you got your naturalization-papers?

(Objected to by counsel for incumbent that the next best evidence is the record of the court of Schuylkill County.)

A. I got my full papers at once at Buchanan's election, and voted on them, the first time on age.

his
ROGER + ROGERS.
mark.

Sworn and subscribed before me this 31st day of January, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

CHARLES BONER sworn.

I live in Spring Tunnel, Rahn Township; voted at the last November election; am about forty-five or about forty-seven years of age; was born in Ireland; came to the country about twenty-seven years ago; can't tell what year I did come; was examined in the Felthoff case the other day in the other room.

Question. Do you remember how many years that you testified you were in the country then?

(Objected to by counsel for incumbent as irrelevant and immaterial.)

Answer. I think I said twenty-seven years.

Q. How do you know that you are twenty-seven years in this country?—A. Plenty of men in the town knows that I am twenty-seven years in this country. I think Peter McGee can tell. Frank Melloy can tell. I don't know nothing about John B. Gallagher twenty-seven years ago; have known him for twelve years. The first time I saw John B. Gallagher was in my own house at Spring Tunnel. I do not know how long he was in the country then. I did not know him in Ireland. To my knowledge I never saw him until I saw him at Spring Tunnel.

Q. If you testified in the Felthoff contested-election case the other day that you were twenty-four or twenty-five years in the country, was that true or not?

(Objected to by counsel for incumbent as immaterial in this issue what he testified to in the Felthoff contested-election case.)

Counsel for contestant states the object is to obtain a correct or true answer from the witness as to the number of years he is in the country.

Counsel for incumbent objects to the offer of the contestant; they having put the witness on the stand he is bound by his answer, and can introduce no evidence of what the witness said in a collateral issue that contradicts, or tends to contradict the evidence of the witness already given.)

A. It was true, and in more than that. John Gallagher, the hotel-keeper at Coaldale, was a witness to my naturalization-paper. He was the tax-collector for 1874. I paid my State and county tax in 1876. I paid it before the election. I don't know how long it was before the election; worked on the roads for the supervisor. I got a township order, and gave it to the tax-collector. I had worked six days on the road; don't know for how much the order was made; don't know what month it was; it was last year.

(Witness shown paper commonly known as a minor naturalization-paper, purporting to be issued by the court of quarter sessions of Schuylkill County, on the 13th day of October, 1873, to one Charles Boner, a native of Ireland.)

This is my naturalization-paper and claim upon which I claim the right of citizenship and the right to vote.

Q. For whom did you vote for Congress at the last November election?

(Objected to by counsel for incumbent. Not having been proved that the witness is an illegal voter, contestant has no right to ask the question.)

A. I do not know who I voted for, but I voted the Democratic ticket; I could not tell. The man that gave me the tickets said it was the whole Democratic ticket. I think Peter Boner gave me the ticket; I am not sure.

(Counsel for incumbent retains the usual exceptions and reservations to foregoing testimony.)

Witness cross-examined:

I cannot read or write. When a man hands me a ticket I cannot tell the names that are on it. When my order was paid, my taxes were deducted from it by the treasurer of the township, and balance paid to me in money. I will not swear that I am in the country thirty years; am pretty near thirty years in the country.

Redirect:

I did not come in with my parents. My father was nearly a year in the country before I came. My father came alone. No other of the family came with me. I was between 17 and 18 years of age when I came here. I can swear that I was not 21 years of age. I will swear that I was not 20 years of age. I can swear that I was not 19 years of age when I came into the country. I will swear that I wanted a month or two of being 18 years of age when I come into the country.

Q. Since you cannot tell us how many years you are in the country and how old you are, how does it come that you can tell us that you was not 18 years old when you came into the country?

(Objected by counsel for incumbent, for the reason that the witness does state, as near as he can tell, his age, and also the number of years he has

been in the country; that it is cross-examination of contestant's own witness.)

A. I heard my father saying it. I do not know whether my father is living. My father's name was Patrick Boner.

Recross-examined:

My father was no citizen in this country.

his
CHARLES + BONER.
mark.

Sworn and subscribed before me this 31st day of January, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

DANIEL BOYLE sworn.

I live in Rahn Township. Voted there the last general election. Was born in Ireland; was in the country between thirty-one and thirty-two years; will be forty-nine years the first of next month; am a naturalized citizen; have not got my naturalization-papers with me; have lost them; it is a good many years since I lost them. I got them in Pottsville when Harlan was prothonotary; it is about twenty-five or twenty-six years since I got them.

Question. Do you remember how old you said you were in the Felthoff case.

(Objected to by counsel for incumbent as immaterial to what he testified to in the Felthoff case.)

Answer. I don't remember that the question was asked me.

Q. If, in your examination in the Felthoff case a few days ago, that you was about fifty years old, was that true or was it not?

(Objected by counsel for incumbent, witness having already said that such a question in regard to his age he does not remember of being asked, and it is also immaterial and irrelevant.)

A. I don't believe that I ever said so; that if I did say so I should have said forty-nine years; have had no conversation about my age since I testified in the Felthoff case. I have lived in Rahn Township about 18 or 19 years; lived before in Tamaqua, about 10 years; staid three days in New York; then went to Mauch-Chunk; staid to dinner; went to Summit Hill; staid there that summer; then came to Tamaqua that fall; don't know what year. John K. Smith was the superintendent for the Little Schuylkill Company; I worked for him; was a single man; at Summit Hill I worked for a man named Cartwright; was building a railroad from old tunnel to foot of No. 2 plane; I carried tools and water and any fancy job; was between sixteen and seventeen years old; my father was dead; my brothers were here before I came.

Cross-examination by counsel for incumbent; the usual reservations and exceptions reserved.

In the Felthoff examination I testified to the best of my recollection at that time.

his
DANIEL + BOYLE.
mark.

Sworn and subscribed before me this 31st day of January, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

DANIEL DOUGHERTY sworn.

I live in Rahn Township; voted at the general election last fall in

Rahn Township; am about twenty-six years of age; was born in Ireland; have been in this country about eight years: I am going on eight years next March a coming, up here or in Rahn Township; came to this country on the 7th day of July, 1868; I have got my naturalization papers with me; I did testify in the Felthoff contested case, I think last Monday a week.

Question. Did you, or not, testify in that case that you had come to this country on July 7, 1869?

(The object of this question is to refresh witness's memory as to the time he arrived in this country.

Counsel for incumbent objects, first, the contestant having put the witness upon the stand, his answer is conclusive as to him. The witness has stated distinctly that he arrived in this country on the 7th day of July, 1868, therefore needs nothing to refresh his memory; second, it is immaterial in this case what the witness testified to in the Felthoff case.)

Answer. That I suppose I did at the time I gave in my evidence, but since that time I have been thinking about the time when I gave in my evidence I did not look into myself about the time I came here. What I state now I go near to what I think is right. I cannot tell what month or year that I was born in; can't tell what season it was; the way that I can tell how old I was, I used to hear them talk of it in Ireland; I can't exactly tell who I heard talk about; I don't remember what they did say about it; it is a long time since; I can't tell any more than what I think is my age; I can tell that it was in 1868 that I came to this country, because I can remember the year. I first stopped in Philadelphia from the 7th of July until the following March; boarded with my brother; he was in this country before I was; from there I came here; I went to work at No. 10 breaker; I was not very long here before I went to work; I can't tell that it was a month; I was 18 years old when I came to the country; don't know whether it was over or under 18 years.

(The witness produces a naturalization-paper from the court of common pleas of Schuylkill County, the paper known as a minority paper purporting to be issued to Daniel Dougherty, bearing September 7, 1874.)

This is the naturalization-paper on which I claim citizenship and claim the right to vote. I got it in Pottsville.

Cross-examination on this naturalization-paper:

I can't read writing very good at all. I know from my own knowledge that this is my paper or naturalization. I can read some of it.

Redirect:

I got the paper at the court-house myself; I got in an office there.

Q. Who was sworn for you when you got your naturalization-paper?

(Counsel for incumbent objects, for the reason that the best evidence of whom was sworn is the naturalization-paper itself, now in the hands of the contestant.)

A. Charles Foy was sworn as a witness for me to my paper; have known him since I come up here; I did not know him before that; I never did present this paper at an election in Rahn Township.

Q. For whom did you vote for Congress at the last election?

(Objected to by counsel for incumbent on the ground that the witness has not yet been proved to have been, at the time he voted, an illegal voter.)

A. I voted the Democratic ticket.

Q. Did you vote for James R. Reilly or James L. Nutting?

A. I voted for the one that was on the ticket. I think I got my ticket from John B. Gallagher.

(Contestant hands the witness over for cross-examination.)

Counsel for incumbent proceeds to cross-examine witness, and reserves the usual exceptions or reservations:

I did not read the ticket that John B. Gallagher handed to me. I voted the ticket he handed to me. In the Felthoff case I testified to the best of my recollection at that time. Mr. Leyburn examined me in that case.

(Contestant admits that on Monday, a week ago, Felthoff was not represented by counsel in his case. Admission withdrawn by contestant.)

My father never came to this country. The ship that I came in was named Stedacona, from Londonderry, Ireland, to Philadelphia. There is a record of my age in the parish in Ireland where I was born. I was born in county Donegal, parish of Gearten, to the best of my recollection. I was about eighteen years of age. I don't remember what attorney got my papers.

Redirect:

I never seen the record, but there is one, of my own knowledge; I know that there is one. I was about the age of 18 years when I came here.

DANIEL DOUGHERTY.

Sworn and subscribed before me this 31st day of January, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

Adjourned until 7.30 o'clock p. m.

HUGH MCGEE sworn.

I live in Rahn Township; voted in Rahn Township at the last general election. I don't know how old I am. I guess I am not forty years old; was born in Ireland. I do not know how long I have been in this country; I guess about 10 or 12 years.

(Witness produces a naturalization-paper, commonly known as a minority paper, purporting to have been issued out of the court of common pleas of Carbon County on the 25th of September, 1868; that the paper bears the names of Peter McGee and Frank Maloy as witnesses thereto.)

This is the paper on which I claim a citizenship and the right to vote.

Question. Where did you receive this paper?

(Counsel for incumbent objects on the ground that the paper itself is the best evidence itself where he received it.)

Answer. In the court at Mauch Chunk. Have known Frank Maloy about five years, anyhow.

Q. For whom did you vote at the last election for member of Congress?

(Counsel for incumbent objects on the ground that the witness has not yet legally been shown to have been an illegal voter at the last election.)

A. I do not know who I voted for.

Q. What ticket did you vote?

(Counsel for incumbent objects, as it is immaterial what ticket he voted at the last general election, this contest not being a political one, but one between individuals.)

A. I voted the whole democratic ticket all the way through.

Counsel for incumbent proceeds to cross-examine the witness, and reserves the usual exceptions and reservations:

I cannot read or write. I did not read the ticket that I voted at the last general election. I do not know who was on that ticket from my own knowledge; I can't tell the name of a single elector on the ticket.

Q. Did you vote for sheriff last fall?

(Counsel for contestant objects on the ground that it is immaterial and irrelevant whether he voted for sheriff or not.)

A. I don't know whether I did or not. I can swear that I voted for some of them for Congress.

Q. How do you know that you voted for a Congressman?—A. I voted the same as the rest. I guess Frank Maloy must be in Summit Hill.

Redirect:

I don't know who I got my ticket from. I intended to vote the Democratic ticket, and I believe I did so.

his
HUGH + McGEE.
mark.

Sworn and subscribed before me this 31st day of January, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

JOHN B. GALLAGHER sworn.

I live in Rahn Township; voted at the general election last fall in Rahn Township. I go by the name of John B. Gallagher present time. It is more than I can answer how long I have gone by the name of John B. Gallagher. To the best of my knowledge, I have gone by that name for five years past; can't say that I have gone by that name the past eight years.

Question. By what name were you known previous to being known by the name of John B. Gallagher?

Adjourned until to-morrow morning at nine o'clock, February 1, A. D. 1877.

And now, to wit, February 1, 1877. Counsel present, J. H. Pomeroy, esq., for contestant, and Anthony Campbell, esq., for incumbent.

John B. Gallagher recalled.

Question. By what name were you known previous to being known by the name of John B. Gallagher?

(Objected to by counsel for incumbent. It is immaterial and irrelevant.)

Answer. Was known as John F. Gallagher in the church; was known as John Gallagher in Ireland. I am known as Shaun Moore in this country. I may have been known as John S. Gallagher and Big Jack; was born in Ireland to the best of my knowledge; have been in this country between 10 and 15 years, to the best of my knowledge. It is more than I can say that I was here 15 years. I can't say that I was here 14 years.

(The witness refuses to answer whether or not he has been here for 13 years.)

Q. Can you say that you have been in the country for 13 years?—A. If I would not, I would not have had a vote in 1868. I think I voted in 1868, to the best of my knowledge. I do not remember what year I arrived in this country. I guess it was during the late war that I came to this country. I landed in New York, at Castle Garden. I sailed from

Derry to Liverpool, changed vessels at Liverpool. The vessel which I sailed in from Liverpool was named Roger O'Herron. It was not six months from the time that I arrived in the country and my coming to the old mines. I mean Summit Hill when I say the old mines. It is more than I can tell how long a time elapsed from the time that I settled in Summit Hill until I came to Coaldale.

(Witness shown a naturalization-paper issued out of the court of common pleas of Carbon County to one John Gallagher, and bearing date September 25, 1868, issued to him upon the exhibition of a petition praying to be admitted to become a citizen of the United States, and it appearing to the said court that he had declared on oath before the court of common pleas of Carbon County, on the 5th day of October, 1851, or 1861, that it was his *bona-fide* intention to become a citizen of the United States; the names of James Sweeney and James O'Donnel appearing as witness in said naturalization-paper.

Counsel for incumbent objects to the manner in which the above description of said naturalization-paper is placed upon the record, it appearing by said naturalization-paper that the date, one thousand eight hundred and sixty-one, is written out, and not in figures, and that the date 1851 is in figures, and shows upon its face to be a clerical error.

At the request of the counsel for the contestant the notary quotes from the naturalization-paper on this point as follows: "On the 5th day of October, 1851, anno Domini one thousand eight hundred and sixty-one," the sixty-one appearing in writing.)

This is the naturalization-paper on which I claim the right of citizenship and the right to vote. I knew James Sweney five years before I got this paper; have known James O'Donnell, who appears as a witness on my paper, since I was a boy; had known him in Ireland. I cannot tell how long I had been in this country before I declared my intention to become a citizen. I don't know that it was two years. I lived in the big house in Rahn Township. I was living in America somewhere when I declared my intention. I was living in Schuylkill and Carbon Counties. I can't tell that I lived in Carbon County. I believe I lived in the State of Pennsylvania.

Q. Were you living in Pennsylvania when you declared your intention of becoming a citizen of the Untted States?

(Counsel for incumbent objects for the reason that the naturalization-paper already in evidence shows conclusively that he was living in Pennsylvania when he declared his intention of becoming a citizen of the United States.)

A. I think to the best of my knowledge I was living in the State of Pennsylvania when I declared my intention to become a citizen of the United States.

Q. Did you or not testify in the Felthoff contested-election case that you were living in Rahn Township, Schuylkill County, at the time you declared your intention of becoming a citizen?

(Counsel for incumbent objects as incompetent and immaterial what he testified to in the Felthoff contested-election case.)

A. It is more than I can remember what I stated in the Felthoff case.

Q. If you testified in that case that you were living in Rahn Township, Schuylkill County, at the time that you declared your intention, was it correct or not?

(Counsel for incumbent objects to the contestant cross-examining his own witness.)

A. Anything that I said there, to the best of my knowledge, was cor-

rect; I do not swear to lies. Have lived in Rahn Township more than twelve years; I am not positive that I lived there thirteen years. I know a Charles Boner, of Rahn Township; I did know more than one Charles Boner in Rahn Township some time ago, not now. I saw a Charles Boner here yesterday from Rahn Township; he told me he was here and testified, and got through; have known him since I have been in Rahn Township; I appeared when he took out his naturalization-papers; may have known him in Carbon County; did not know him in Ireland. I lived in Rahn Township, Schuylkill County, when I took out my naturalization-paper.

Q. For whom did you vote at the last election for member of Congress?

(Counsel for incumbent objects for the reason the witness has not been shown an illegal voter at the last general election, nor has it been shown that he voted for any man for Congress at the last general election. And further, the evidence already produced shows conclusively that he was a legal voter.

Counsel for contestant refers to the above testimony, and to the fact that witness was living in Schuylkill County at the time he got his papers in Carbon County.)

A. I will answer that question when you prove me to be an legal or illegal voter. I think I will go to jail before I answer that question. Do not know how old I was when I came to this country; don't know whether I was over or under 21 years; I have no idea whatever how old I am now. Was giving out Democratic tickets on last election.

Counsel for incumbent proceeds to cross-examine witness, with the usual reservations and exceptions:

Charles Boner was pretty full of liquor.

Q. Was not Charles Boner pretty full of liquor when you saw him yesterday afternoon?

(This for the purpose of showing the mental condition of Boner when he testified.

Counsel for contestant objects on the ground that it is irrelevant, immaterial, and an assumption on part of the counsel for incumbent that Boner was not in a condition to testify.)

A. He was in liquor; to the best of my opinion he was pretty full.

(Counsel for incumbent now asks that the contestant produce the naturalization-paper of Charles Boner, on which the witness now on the stand was examined upon by the counsel for the contestant; this for the purpose of cross-examination of the witness upon that point.

Counsel for the contestant states that the naturalization-paper of Charles Boner is not in his possession; that the date of the said naturalization-paper is on record, name of the court which issued it, the date thereof, the name of the witness, and all questions asked thereupon appearing upon said record; the said naturalization-paper having been before the counsel at the time Boner testified.

The commissioner has not got this naturalization in his possession.)

Q. (By counsel for incumbent to counsel for contestant.) Will you hand over to me that naturalization-paper of Charles Boner?

A. It is not in my possession; I do not know where it is, but suppose it is in the possession of the said Charles Boner.

(Counsel for incumbent now asks that the testimony of the witness in regard to the naturalization-paper of Charles Boner be stricken from the record.

Counsel for contestant states that the naturalization-paper was not in evidence, but was before Charles Boner to stimulate his memory upon the questions respecting his citizenship which were then propounded.)

I have always voted on that naturalization-paper; was never refused a vote on that paper; know of no fraud practiced in taking out that paper; got it at the court-house at Mauch Chunk.

Q. Did you pay your tax in 1875?

(Counsel for contestant objects, that it is a point on which witness was not examined in chief, and is not cross-examination.)

A. Yes, sir.

Redirect:

Q. How do you know that Charles Boner was full yesterday?—A. I can tell by his foolishness. I saw him take drinks yesterday—saw him take one drink. I did not see him take more.

Q. How often have you presented naturalization at the polls when you voted?

(Objected by counsel for incumbent as irrelevant and wholly immaterial.)

A. It is more than I can tell you; can't say how often.

Recross-examination:

I did present that paper every time I was asked to, and presented it the first time I voted.

Q. On your examination-in-chief you were asked the question, "Who did you vote for at the last general election for Congress?" Now state the reason you refused to answer.

(Counsel for contestant objects on the ground that why he refused is immaterial and irrelevant, and that furthermore the question has been answered.)

A. I did not refuse.

Re-redirect:

Q. If you did not refuse, why did you not answer the question?—A. The reason why is, if counsel for contestant told me if my vote was legal or illegal.

JOHN B. GALLAGHER.

Sworn and subscribed before me this 1st day of February, A. D. 1877.
[SEAL.]
JOHN C. CONRAD,
Notary Public.

At 12.10, adjourned until 1½ o'clock p. m.

ROBERT GILLESPIE sworn.

I live in Rahn Township; voted at the general election, November 7, 1876; am about 26 years of age; I paid a tax in 1875, to Peter McGee; paid a tax in 1876, to Peter Gallagher; don't remember when I paid it; it was paid by my father.

(Witness shown receipt issued to Robert Gillespie, October 3, 1876, for road, school, county, and county funded-debt tax.)

That is the receipt I got from Peter Gallagher. Don't know when I received that receipt; it was before the election; can't tell how long it was; can't tell if it was a month or not; my father told me he paid the taxes.

Counsel for incumbent proceeds to cross examine the witness. The usual reservations and exceptions:

I paid taxes for 1875; paid them to Peter McGee; I have a receipt for those taxes for 1875; have it with me.

ROBERT GILLESPIE.

Sworn and subscribed before me this 1st day of February, A. D. 1877.
[SEAL.]
JOHN C. CONRAD,
Notary Public.

PETER MCGEE recalled.

I have my duplicate with me. I know John Burns, in Rahn Township; I knew him in 1875; did not know of more than one John Burns in Rahn Township.

Question. Did John Burns pay you a State or county tax for 1875?—A. I think he did. I think he was exonerated, and I made a statement at the time to the clerk of the commissioners. After he was exonerated he paid me the tax. I made the statement the 3d of February, 1876. I know a Daniel O'Donnell now but did not know him in 1875; he paid a tax in 1875, and is marked in my book paid. I don't know more than one Daniel O'Donnell in Rahn Township now.

(Counsel for contestant offers to put in evidence a certified return of county and State taxes of Rahn Township for the year 1875, in which occurs the names of Daniel O'Donnell and John Burns, and containing names of persons for whom exonerations were claimed.

Counsel for incumbent objects to the above generally.)

Q. Have you given out any tax-receipts to any one since you made your return to the commissioners in February, 1876?—A. I did. Can't tell to whom, on ground that they lost them. I remember I gave one to Daniel Melly; gave one to my brother Hugh, one to John McGeehan, one to Michael McFadden, and to others, and don't mind who they were. Gave some of them receipts since the last election, persons coming before this board, that they might go through. Signed all the receipts that I gave myself.

Counsel for incumbent proceeds to cross-examine the witness. The usual reservations and exceptions:

Daniel O'Donnell paid me a tax for 1875, and marked paid on my book. John Burns paid me a tax for 1875, and marked paid on my book. There may be another Daniel O'Donnell in Rahn Township.

(Counsel for contestant reserves the right to recall this witness.)

PETER MCGEE.

Sworn and subscribed before me this 1st day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

JAMES MULLEN sworn.

I live in Kline Township. I believe I moved there in May or June, 1876. I am the tax-collector for Kline Township for 1876. I did not at all times attend to the duties of collector myself. My nephew, James Mullen, jr., collected some of the taxes; I collected the other. He made a return of all the taxes collected by him to me. My nephew made out the biggest part of the tax-receipts for me, and signed them. I never gave my nephew any written authority to sign tax-receipts for me.

Question. Did you give out any tax-receipts on the election-day, night before the election, or at any time within thirty days of the election?—Answer. I did not give out any tax-receipts on the election-day, but did give them out the night before the election, and within thirty days of the election.

(Witness explains as follows:)

I received money to pay taxes for parties that did not pay their taxes in 1875; received this money thirty days previous to the election, and filled out the receipts for those parties thirty days previous to the election; held back those receipts of the parties till the evening previous to the election.

(Counsel for contestant objects to the witness going into a long, rambling explanation for the reasons why he held back these receipts,

the matter not being responsive to the question and matter alone proper to bring out in cross-examination.

(Witness proceeds with his explanation :)

My reason for holding them back, I feared if I would give those receipts to the few that they were for, others would refuse to pay their taxes and give me trouble.

Q. To whom did you give receipts for county and State tax for 1876 on the evening before the election?—A. Gave one to Hugh Boyle, one to Pat. McBride, one to William Bellingsy, one to John Moran, one to Pat. Welsh, one to Pat. Manley, one to Connell Haggerty, one to Pat. Brown; there may be one or two more, or three, I am not certain. All these receipts were given out on the night before the election.

Q. What receipt, if any, did you give out between the 7th day of October, 1876, and the night previous to the election?—A. I don't recollect of any; may have; my nephew did give some out.

Q. Were these receipts made out at the same time and dated at the same time?—A. These receipts were all made out and signed at the same time.

Q. Do you remember at what time these receipts were made out?

(Objected to by counsel for incumbent, for the reason that the receipts themselves are the best evidence of when they were made out.)

A. Thirty days previous to the election. I believe it was on the evening of the 6th. I made it a point to make them out thirty days before the election, as that would save me of the law. At that time I filled those receipts out in full, put in the date and signature, and put in the names of the parties then.

(Witness shown a tax-receipt for State and county taxes for 1876, issued to Hugh Boyle, signed James Mullen, receipt of payment October 6, 1876. Exhibit B B.)

This is one of the receipts which my nephew filled up in my presence at that time, to the best of my knowledge.

(Counsel for contestant states that the object of this examination on the tax-receipts is for the purpose of showing that these receipts were not made out in full at the time stated by the witness.

Counsel for incumbent objects generally.

Witness shown a tax-receipt of State and county taxes for 1876, issued to Patrick McBride, and bearing date September, 1876, signed James Mullen, payment acknowledged October 6, 1876. Exhibit C C.

At the request of the counsel for the contestant the commissioner states that the name of the party, the amount of the tax, and the date of the receipt are written in much darker ink than the signature of the collector and the date of payment.

Counsel for incumbent objects to the foregoing request of the counsel of the contestant, and denies the right and the power of the commissioner to grant the said request.)

This is the receipt that I issued that night to Patrick McBride; to the best of my knowledge and belief this is the one.

(Witness shown a receipt for State and county taxes for 1867, issued to William Bellingsy, and bearing date September, 1876, signed James Mullen, payment acknowledged October 6, 1876. Exhibit D D.)

Receipts of Patrick McBride, marked "No. 56, H. B. Graeff, commissioner; Hugh Boyle, marked "No. 55, H. B. Graeff, commissioner; William Bellingsy, marked "No. 48, H. B. Graeff, commissioner," put in evidence by counsel for contestant.

Counsel for contestant puts in evidence a receipt for county and State taxes for 1876, issued to John Moran, bearing date September, 1876,

signed James Mullen, payment acknowledged October 6, 1876. Receipt shown witness. Exhibit E E.

This is the tax-receipt that I issued to John Moran on that night, filled up by my nephew in my presence, to the best of my knowledge.

(Counsel for contestant offers in evidence a receipt for State and county taxes for 1876, issued to Patrick Welsh, and bearing date September, 1876, signed James Mullen, and payment acknowledged October 6, 1876. Exhibit F F. Receipt shown witness.)

This is the receipt that I issued to Patrick Walsh, to the best of my knowledge.

(Counsel for contestant offers a tax-receipt in evidence dated September, 1876, issued to Conal Haggerty, signed James Mullen, payment acknowledged October 6, 1876. Witness shown receipt. Exhibit G G.)

This is the receipt that I issued to Conal Haggarty, to the best of my knowledge.

(Counsel for contestant offers in evidence a tax-receipt for State and county taxes for 1876, issued to Patrick Boyle, and bearing September, 1876, signed James Mullen, payment acknowledged October 6, 1876. Witness shown receipt. Exhibit H H.)

This is the tax-receipt that I issued to Patrick Boyle, to the best of my knowledge. I know James McNelis; he paid a tax for 1876.

Q. When did James McNelis pay you his State and county tax for 1876?

(Objected to by counsel for incumbent, on the ground that the receipt is the best evidence of the time the tax was paid.)

A. He paid my nephew; the receipt will tell when it was paid.

(Counsel for contestant offers in evidence a receipt for State and county taxes for 1876, issued to James McNelis, and bearing date September 29, 1876, signed James Mullen; payment acknowledged September 29, 1876. Witness shown receipt. Exhibit I I.)

This is my receipt, written by my nephew, at my request. I don't know when this tax was paid; I presume it was September 29, 1876. This tax was collected by my nephew; I do not know when this receipt was given to James McNelis; I believe it was given the day it was dated.

(Counsel for contestant offers in evidence a receipt issued to Patrick Manley for State and county taxes for 1876, signed James Mullen; payment acknowledged October 6, 1876. Exhibit J J. Witness shown receipt.)

This is the receipt which I issued to Patrick Manley the night before the election.

5 o'clock p. m., adjourned to Friday morning at 9 o'clock, February 2, 1877.

And now, to wit, February 2, A. D. 1877. Counsel present, J. H. Pomeroy, esq., for contestant, and Anthony Campbell, esq., for incumbent.

JAMES MCBREARTY sworn.

I live in Kline Township; was collector of State and county taxes for 1875; have not got my tax-duplicate with me; it is lost or mislaid; could not find it; was subpœnaed to bring it with me; made diligent search for it; it may be found, and if you require it you may have it. I saw it about two months ago; it was lying back of a bar; have not seen it since. I am acquainted with one Patrick Boyle in Kline Township; know of more than one Patrick Boyle; to the best of my opinion I

know of another Patrick Boyle, known as "Monkey Boyle"; paid me a tax for 1875.

(Counsel for contestant offers in evidence a receipt for State and county taxes for 1875, issued to Patrick Boyle, bearing date September, 1875, signed James McBrearty, collector; payment acknowledged December 15, 1875. Witness shown receipt. Exhibit K K.)

This is my signature, and this is the receipt that I gave to Monkey Boyle; I am not positive that the date of acknowledgment is my writing, as it is not plain enough; did not sign all the receipts myself that was issued; James McDonnell signed some; can't say how many; did not sign as many as I did; the signature to the receipt is in my own handwriting, and gave it to him myself. I know John Donlin; he paid me a State and county for 1875. I do not know more than one John Donlin in Kline Township. I know lame John Gallagher in Kline Township; he paid State and county tax to me for 1875. I am not positive that I know Patrick Boner, of Kline Township; cant say that he paid me a State or county tax for 1875. I know William Ferry, of Kline Township; we call him Billy Ferry; don't know of any more than one William Ferry in Kline Township; he paid me a State and county tax for 1875. I don't know John Tamany, of Kline Township, by name, but may know him by sight; he can't say that he paid a State or county tax for 1875. I know a man by the name Bernard Burns, of Kline Township; there is another in the township of the same name. The wife of old Barney Burns paid me a State and county tax for 1875, in the presence of her husband.

(Counsel for contestant offers in evidence the tax-receipt of Thomas Donlin, John Gallagher, Patrick Boner, William Ferry, John Tamany, and Bernard Burns, for State and county taxes for the year 1875, signed James McBrearty, collector.

The counsel for contestant states the object of this offer is, if these were properly issued receipts, that the above-named parties were exonerated for State and county taxes for 1875, and furthermore to ascertain from the witness whether the signature appended is his signature or not.

Counsel for incumbent objects to the above offer as incompetent and wholly immaterial for the purposes stated.

Witness shown receipt issued to Thomas Donlin, Exhibit L L.)

To the best of my knowledge, this is my receipt and my signature. I wrote my name to this receipt, to best of my opinion.

(Witness shown receipt to John Gallagher, Exhibit M M.)

To the best of my opinion, this is the receipt that I issued to lame John Gallagher. I wrote the signature to it myself. I think there is another man named John Gallagher in Kline Township, but I am not sure.

(Witness shown receipt of William Ferry, Exhibit N N.)

This is the receipt that I issued to William Ferry, to the best of my opinion; I wrote the signature to the receipt myself.

(Witness shown receipt of John Tamany, Exhibit O O.)

This is the receipt that I issued to John Tamany, to the best of my opinion; I wrote the signature to the receipt myself.

Question. Do you remember of giving this receipt to John Tamany?

(Objected to by counsel for incumbent as it is immaterial whether he remembers giving the receipt or not; the receipt itself shows that John Tamany paid his taxes.)

Answer. I do not remember of giving this receipt for taxes to John Tamany; I can't bring the man to memory.

(Witness shown receipt of Bernard Burns, Exhibit P P.)

This is the receipt that I gave to Bernard Burns, and the signature thereto is in my own handwriting.

(Counsel for contestant offers in evidence a certified copy of the return of county and State taxes for Kline Township for the year 1875, and list of exonerations for that year, among which appear the names of the above parties.

Counsel for contestant states the object of this offer is to show that the above-named parties were exonerated from State and county taxes in Kline Township for the year 1875.

Counsel for incumbent objects, first, for the reason that the certificate on its face does not show a list of the persons exonerated in that township from the payment of taxes in the year 1875; second, it having been proved by receipts already in evidence that said parties did pay their State and county tax for the year 1875, they were legally entitled to a vote.

Counsel for contestant offers in evidence the tax-receipts of Owen Gallagher, Roger O'Donnell, Edward Coffey, Dennis McCole, John McDevit, Robert Dawson, for State and county taxes for 1875, in Kline Township, receipts signed James McBrearty, collector.

Receipt of Owen Gallagher shown witness, Exhibit Q Q.)

I am not positive that this is my signature to this receipt.

Q. If it is not your signature and you did not write it, who did write it?—A. James McDonnell wrote it if I did not.

(Witness shown receipt of Roger O'Donnell, Exhibit R R.)

I won't identify that signature; if I did not write it McDonnell did.

(Witness shown receipt of Edward Coffey, Exhibit S S.)

I won't identify that signature; if I did not write it McDonnell did.

(Witness shown receipt of Dennis McCole, Exhibit T T.)

I won't identify that signature; if I did not write it McDonnell did.

(Witness shown receipt of John McDevit, Exhibit U U.)

I won't identify that signature; if I did not write it McDonnell did.

(Witness shown receipt of Robert Dawson, Exhibit V V.)

This signature I wrote, to the best of knowledge and belief.

At 12 o'clock, adjourned to 1 o'clock, p. m.

Q. Did Owen Gallagher pay you a State and county tax for 1875?

(Counsel for incumbent objects to the question on the ground that receipt of Owen Gallagher shows conclusively that he did pay witness a State and county tax for 1875, and that the receipt is already in evidence.)

A. When the receipt is there the tax is paid.

(Counsel for contestant object to this answer going upon the record, it not being responsive to the question.)

Q. Did Owen Gallagher pay to you personally a State and county tax for 1875?

(Counsel for incumbent objects for the reason that it is not material whether Gallagher paid the tax to the witness or not; if the receipt was issued by witness or by his authority, Gallagher was a legal voter.)

A. That I cannot say; that is, was Gallagher or his wife that paid it to McDonnell.

Q. By what authority did James O'Donnell collect taxes for you in 1875?—A. By my own authority.

Q. Did you confer that authority in writing?

(Counsel for incumbent objects to that question for the reason that it is immaterial who the authority was conferred by.)

A. I did not confer that authority in writing. I had no business to do so.

Q. Was the State and county tax of Roger O'Donnell for 1875 paid to you personally?

(Question objected to.)

A. I can't say that.

Q. Was it paid to you at all?—A. I can't say that it was or was not.

Q. Was the State and county tax of Edward Coffey for 1875 paid to you personally?

(Counsel for incumbent urges the same objection as to the previous question of the same nature.)

A. I could not say, and I cannot say that it was not.

Q. Was the tax paid to you at all?—A. I can't say that it was or that it was not paid. If I saw the man present, I would know then.

Q. Was the State and county tax of Dennis M. Cole for 1875 paid to you at all?—A. It may or may not.

Q. Was the State and county tax of John McDevit paid to you at all, for 1875?—A. If it had not been paid the receipt would not have been there.

Q. Was the State and county tax for 1875 for Robert Dawson paid to you at all?—A. To the best of my belief the taxes of Robert Dawson were paid to me.

Q. Have you made a return to the Schuylkill County commissioner for 1875, or 1876, of all the taxes collected for 1875, in Kline Township?—A. I have made my return for 1875, and settled up in full for 1875, and having nothing to do for 1876. I made my return on the last day of January, 1876.

(Counsel for incumbent proceeds to cross examine witness, with the usual reservations and exceptions.)

These receipts of Robert Dawson, John McDevit, Roger O'Donnell, Edward Coffey, Dennis M. Cole, and Owen Gallagher were all signed by me or by my authority. These receipts would not have been issued had the tax not been paid. The money was paid at the time the receipts were issued. The receipts of Patrick Boner, Thomas Donlin, John Gallagher, Patrick Boyle, Bernard Burns, John Tamany, and William Ferry, I issue these all but to John Tamany, and I do not say that I did not issue that; to the best of my opinion, that is my signature to the receipt of John Tamany—I am not positive. The reason that I will not swear positive is that I do not know the man.

Q. If there was a John Tamany in Kline Township in 1875, to whom would he have paid his State and county tax?

(Counsel for contestant objects to the question, on the ground that it is an assumption that John Tamany would have paid a tax.)

A. He would have come to me to pay it if he was assessed. If he had paid his tax I would have given him a receipt. I did not give a receipt to any man that did not pay his tax. The date of the receipt shows when I received the money. No parties could have had receipts from me without them paying the taxes. I gave James McDonnell full authority to take taxes and give receipts for me. I do not take any money after examination; any taxes that were not paid to me personally, for which receipts are here, were paid to my deputy, James McDonnell. There were more women than men that paid me taxes, the men being at work, and not at home. I cannot swear that there is more than one John Gallagher in Kline Township; I will not swear that there is more than one Patrick Boyle in Kline Township now; there may be more than one Patrick Boyle there.

Q. There may be more than one Bernard Burns in Kline Township, for all you know, may there not?

(Counsel for contestant objects on the ground that facts and not possibilities are evidence, it being immaterial to this issue what this witness does not know.)

A. There are two Bernard Burns in Kline Township, the father and son.

Q. You cannot swear that John Tamany does not live in Kline Township, can you?

(Counsel for contestant objects upon the same ground as above.)

A. I cannot swear that John Tamaqua lives or does not live in Kline Township. I cannot swear that the William Ferry that paid me his taxes is the only one in the township. I cannot say that there is but one Patrick Boner in Kline Township. I cannot swear that there is but one Thomas Donlin in the township; I know but one. I kept no memorandum of the taxpayers of the township but in my duplicates, and I have lost my duplicates. When any parties pay me taxes, I mark them paid before and behind their names in the duplicate. James McDonnell was a trusty man, and I would not have appointed him had he not been.

Redirect:

James McDonnell does not now live in Kline Township; he is dead; he was killed on the 20th day of October last. He gave out receipts too. I did not date all the receipts with the date of payment. James McDonnell did some. Some of the taxpayers paid taxes to him.

Recross-examination:

My duplicate contains a list of parties that were exonerated.

JAMES McBREARTY.

Sworn and subscribed before me this 2d day of February, A. D. 1877.

[SEAL] JOHN C. CONRAD,

Notary Public.

Counsel for contestant reserves the right to recall the above witness.

James Mullen, collector, recalled.

Q. Who paid the State and county taxes for Hugh Boyle, Patrick Boyle, Patrick McBride, William Billingry, John Moran, Pat Walsh, Pat Manley, Connel Haggerty, and Patrick Brown, for 1876?

(Counsel for incumbent objects to the question, for the reason that it is immaterial who paid the taxes of these parties named.)

A. I can't tell who paid it; I got it from a gentleman in Pottsville for that purpose; in fact I did not know the gentleman.

Q. Where in Pottsville did you receive the money for these taxes?—

A. I believe in Centre street. I did not receive money; I got a check. Don't know who signed the check. Had it cashed in a few minutes, as quick as I could travel to the bank; I believe it is called the Safe Deposit. It was on the 5th or 6th of October. The check was between forty-five and forty-six dollars. I got it to pay the taxes for more than these nine, if they were legal voters. I had a list of men that did not pay their taxes in 1875. I do not remember how many names there was on the list; there were more than nine twice. I don't think there were twenty-five. I got the list from Esquire O'Donnell; he gave it to me. I returned from Pottsville to Kline Township the same day that I got the money. I made out all the tax-receipts except a few that my nephew told me they could not vote. I believe I made them out on the evening of the 6th of October. I made out as many as eighteen, and perhaps more. I consider that the taxes for these receipts were paid for at the time. I distributed nine of the receipts that I made that night. The

balance of them were destroyed. I destroyed them because the parties were not legal voters; such was my instruction.

Q. How do you know that these men were not legal voters?

(Counsel for incumbent objects; it is irrelevant and immaterial.)

A. I went to the assessor and got the registry, and got my nephew to examine it, and when I understood who were legal voters and who were not, I then gave receipts to those who were legal voters; I got the registry the evening before the election; I did not know who were legal voters until the evening before the election; I was a stranger in the township; I voted in Kline Township last November; I came to this country in April, 1853.

(Counsel for incumbent proceeds to cross-examine witness, with the usual reservations and exceptions.)

I gave my nephew full authority to collect taxes for me.

(Counsel for contestant reserves the right to recall this witness.)

JAMES MULLEN.

Sworn and subscribed before me this 2d day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

JOHN GORMAN sworn.

I live in Kline Township. I voted in Kline Township at the election in November last; am more than twenty years in this county; have lived in Kline Township three or four years, and paid a State and county tax to James Mullen.

(Counsel for contestant reserves the right to recall this witness.)

JOHN GORMAN.

Sworn and subscribed before me this 2d day of February, A. D. 1877.
[SEAL] JOHN C. CONRAD,
Notary Public.

JAMES MULLEN (Hone Brook) sworn.

I live in Kline Township; am a nephew of James Mullen the collector. I collected State and county tax for him in 1876. I signed some of his tax-receipts. I signed a great many; fifty anyhow. He never gave me any authority to collect taxes in Kline Township in writing, or to sign his name.

(Witness shown receipts of William Billingsy, No. 48; James McNelis, No. 1; Patrick Manley, No. 62; Patrick Walsh, No. 59; Connall Haggerty, No. 23; Patrick Boyle, No. 38; John Moran, No. 51; Patrick McBride, No. 56; and Hugh Boyle, No. 55.)

I wrote the signatures to all these receipts, and also filled them up, and between me and my uncle we distributed those receipts; gave out those receipts on the sixth of November, 1876. I never received any money for those receipts. I do not know of my own knowledge if ever these taxes were paid.

Question. Did you distribute any other tax-receipts for 1876, in Kline Township, between the 6th day of October and the day of the election in 1876?—Answer. I gave out tax-receipts to any man who paid taxes in that time. I dated the receipts the day they paid me. Don't remember the name of any to whom I gave receipts in that time. Don't know how many I gave out at that time.

Counsel for incumbent proceeds to cross-examine witness, with the usual reservations and exceptions.

My uncle gave me full power to sign his name to tax-receipts and collect taxes. Don't keep a memorandum of taxes collected by me.

Q. Can you remember that you issued tax-receipts between the 6th of October and election-day other than the ones already shown you?—A. Yes, sir, I did. Did not date any of these receipts back. My uncle told me to make out these receipts (meaning the nine receipts already in evidence); he stood alongside of me when I done it. All these receipts except James McNelis's are dated 6th of October, 1876, and made out upon that day. The one of James McNelis was made out on the day of its date, the 29th of September, 1876.

Redirect:

The name and amount was put in the blank receipt before the acknowledgment of date of payment. This September on the top was calculated for a notice to be given to each man to have his taxes ready in thirty days to pay to the collector. These receipts were never served as notices.

Q. Were you required by law to give notice to the tax-payers?—A. Not to my knowledge.

(Counsel for contestant reserves the right to recall this witness.)

JAMES MULLEN.

Sworn and subscribed before me this 2d day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

JOHN BOYLE sworn.

I live in Kline Township; I voted there on the 7th day of November last, 1876. To the best of my knowledge I was born in Ireland; came here in 1851; am between sixty-two or sixty-three years old.

(Witness produces a naturalization-paper of the kind commonly known as a minority paper, issued out of the court of common pleas of Carbon County to one John Boyle, bearing date October the 11th, 1869, the names of Hugh O'Donnell and Charles Boyle appearing thereon as witnesses. Exhibit W W.)

Question. Is this the paper on which you claim the right of citizenship and the right to vote?—Answer. This is the paper on which I claim the right to citizenship and the right to vote. (Paper marked Exhibit W W.) I know Hugh O'Donnell, whose name appears on my paper as a witness; don't know Charles Boyle. Got the paper at Mauch Chunk.

Q. For whom did you vote at the last election for member of Congress?

(Objected to by counsel for incumbent for the reason that the witness has not yet been proved an illegal voter at the time he voted for member of Congress; the seal of the court on his naturalization-paper being conclusive evidence of his being a citizen. No evidence of the witness, in a collateral issue, can destroy the presumption raised by his naturalization-paper.)

A. I don't know who; I voted the Democratic ticket through. Got my ticket from James Gildea.

Cross-examination by counsel for incumbent, with the usual reservations and exceptions:

I cannot read or write. I did not read my ticket last fall; the ticket was not read to me; it was made up. I don't know that this is my naturalization-paper; only know it from what other people told me.

Redirect:

This is the paper that I got at Mauch Chunk, to the best of my

knowledge. Did get no other paper at Mauch Chunk, and I have no other paper than this.

his
JOHN + BOYLE.
mark.

Sworn and subscribed before me this 2d day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

At 5.30 p. m. adjourned to 7 o'clock p. m.

Continued at 7 o'clock p. m.

PATRICK WALSH sworn.

I live in Kline Township; voted there on November 7, 1876; paid no tax in 1875; paid no State or county tax in 1876.

Question. For whom did you vote at the last election for member of Congress?

(Counsel for incumbent asks permission to ask the witness if he received a tax-receipt in 1876 for his State and county taxes from the tax-collector of Kline Township, to wit, James Mullen; this for the purpose of showing that his taxes were paid.

Counsel for contestant denies the right of counsel for incumbent to cross-examine the witness after a question has been propounded and before the answer has been rendered, and, furthermore, denies the right of counsel for incumbent to cross-examine the witness before the witness has been turned to counsel.

Counsel for incumbent objects to the question for the reason that it has not been shown conclusively that he was an illegal voter at the last general election, but, on the contrary, the evidence already produced by the contestant, to wit, the evidence of James Mullen, wherein he says that the taxes of witness were paid thirty days before the election, and that he, said Mullen, collector, gave witness a receipt in full for his taxes, shows conclusively that he was a legal voter at the last November election; and, further, counsel for incumbent notifies the witness that he need not answer the question unless he chooses.)

Answer. I voted for James B. Reilly.

Cross-examined by counsel for incumbent with the usual reservations and exceptions:

I did receive a tax-receipt for my tax for 1876 from James Mullen, collector of Kline Township. I do not know who did pay my taxes. I can read and write a little.

(Witness shown receipt of which the following is a copy:)

"KLINE TOWNSHIP, PA., *Sept.*, 1876.

"Mr. PATRICK WALSH:

"SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline, as follows:

"County, $1.50; State, 15; total $1.65.

"You are hereby required by law to pay the foregoing taxes within thirty days from date.

"JAMES MULLEN, *Collector.*

"Received payment of the above taxes Oct. 6, 1876.

"JAMES MULLEN, *Collector.*"

(See No. 59.)

This is the receipt that I received from James Mullen the night before the election.

Redirect:

I never saw this receipt before the night before the election.
(Counsel reserves the right to recall this witness.)

PATRICK WALSH.

Sworn and subscribed before me this second day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

HUGH BOYLE sworn.

I live in Kline Township; voted at the general election November 7, 1876. There was another Hugh Boyle there, but he moved out of it about two or three years ago. I am about sixty years of age and a little over. I paid no tax in 1875 to James McBrearty. I did not pay a State or county in 1876, not as I know of.

Question. For whom did you vote at the last election for member of Congress?

(Counsel for incumbent makes the same request and urges the same objection to the question of the same character propounded to Patrick Walsh.

Counsel for incumbent at this point instructs the witness that he need not answer the question.

Counsel for contestant makes the same reply to the above objection and urges the same objection, and furthermore denies the right for counsel for incumbent to instruct contestant's witness.)

Answer. I voted for Mr. Reilly; the Mr. Reilly who ran for member of Congress.

Cross-examination by counsel for incumbent, with the usual reservations and exceptions:

I do not know if any other person paid a tax for me in 1876. I received a tax-receipt from Mr. Mullen for 1876. Can't read or write. Did not have my ticket read to me that I voted. I do not object of any one paying my taxes for me. I do not know who paid my taxes for me this year.

Redirect:

I received a tax-receipt from James Mullen a day or two or three before the election—from James Mullen the younger. I got my ticket from Esquire O'Donnell, and I voted that ticket.

his
HUGH + BOYLE.
mark.

Sworn and subscribed before me this second day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

PATRICK MANLY sworn.

I live in Kline Township. Voted there on November 7, 1876. Was born in Ireland; was fifteen years old when I came to this country; I am going on forty years of age; lived in this country twenty-five years. Paid no State or county tax for 1875; paid no State or county tax for 1876.

(Witness produces a naturalization-paper, commonly known as a minority paper, issued out of the court of common pleas of Carbon County, to one Patrick Manly, bearing date October the 11th, 1869, the

names of John Gallagher and John Gill appearing thereon as witnesses.)

This is the paper that I claim my citizenship on and claim to the right of voting on. Have known John Gallagher since he came a greenhorn. He came a few months before me to this county; this John Gallagher lives in Kline Township.

Question. For whom did you vote at the last election for member of Congress?

(Counsel for contestant claims the right on the ground that the foregoing testimony makes out the witness to be an illegal voter.

Counsel for incumbent makes the same request and urges the same objections as heretofore made to the question of the same nature propounded to Patrick Walsh.)

Answer. I can't say; got the ticket from James Gildea. I asked for a Democratic ticket, and he says here it is, and I took it and voted it.

Cross-examination by counsel for incumbent, with the usual reservations and exceptions:

I can read and write. I did not read the ticket that I deposited. I could not see it on account of my eye. I received a tax-receipt for my taxes for 1876 from young James Mullen. It is more than I can tell who paid my taxes. I guess I would not have got a receipt unless it was paid. I received the tax-receipt the night before the election, and hear that James Mullen, of whom I received this receipt, is a nephew of James Mullen, the collector. I do not object to anybody paying my taxes, if it was my mother or the judge of the court.

PATT. MANLY.

Sworn and subscribed before me this 2d day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

PATRICK MCBRIDE sworn.

I live in Kline Township. Voted there at the general election held there November 7, 1876. Did not pay a State or county tax in 1875. Did not pay a State or county tax in 1876.

Question. For whom did you vote at the last election for member of Congress?

(Counsel for contestant asks this question on the ground that, as the witness paid no State or county tax in 1875 or 1876, he was not a qualified voter.

Same request by counsel for incumbent, and same objection urged as to question of same character to Patrick Walsh.)

Answer. I voted the Democratic ticket as it was printed.

Cross-examined by counsel for incumbent, with the usual exceptions and reservations:

I can read and write; I am satisfied that it was the Democratic ticket. I received a tax-receipt for my taxes from the tax-collector of Kline Township.

(Witness shown tax-receipt dated October 6, 1876, issued to Patrick McBride, for State and county taxes for 1876, signed James Mullen, collector.)

This is the receipt that I received from Mr. Mullen. I never object to any gentleman paying my taxes or my bills.

Redirect:

I received the tax-receipt the night before the election from James Mullen.

PAT. MCBRIDE.

Sworn and subscribed before me this 2d day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

PATRICK CULL sworn.

I live in Kline Township. Voted there on the general election held there November 7, 1876. Can't say how old I am. I can't tell how old I was when I came to this country. I came to this country in 1863. I don't think that I am forty years old, or that I am thirty-five years old. Am about thirty-three years old.

(Witness shown a naturalization-paper, commonly known as a minority paper, issued out of the court of common pleas of Carbon County, to one Peter Coll, bearing date September 30, 1872, the names of Thomas Mullony, Tague Gallagher, appearing thereon as witnesses.)

I cannot read, and cannot say that this is my paper. I think it looks like my paper. I knew Thomas Mullony four or five years before I got my naturalization-paper, and Tague Gallagher about the same time, and were witnesses to my paper. I think they live in Tresckow, Carbon County. I did not know either of them in the old country.

Question. If you do not know your age now and when you came to this country, how did Thomas Mullony and Tague Gallagher learn it?—Answer. I do not know how they knew.

Q. For whom did you vote at the last election for member of Congress?

(Counsel for incumbent objects for the reason that the witness has not yet been shown to be an illegal voter at the general election. His naturalization-paper, already in evidence, bears the seal of the court of the county of Carbon, and no fraud has been shown to have been practiced when said naturalization-paper was issued by said court.)

A. I can't tell you. I believe I got my ticket from a fellow called James Kilday.

his
PATRICK + CULL.
mark.

Sworn and subscribed before me this 2d day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

At 9.30 p. m. adjourned till Saturday, February 3, A. D. 1877, 9 o'clock a. m.

And now, to wit, February 3, 1877, counsel present, J. H. Pomeroy, esq., for contestant, and Andrew Campbell, esq., for incumbent.

PATRICK MCNELIS sworn.

I live in Kline Township. Voted at the general election held November 7, 1876. Was born in Ireland. Have been in this country going on eight years. It will be eight years next March or April. Am nearly twenty-six years old. Was close on eighteen years when I came to this country. Came direct from Canada to the coal regions in Luzerne County. Was a month or two in Luzerne County before I came to Schuylkill County. I have been in Wilkesbarre, Luzerne County. Was there in 1875, September 20. Went there to get my naturalization-paper. I did not get my naturalization-paper then; they were filled up for me.

Question. Who did you get your naturalization-papers from?

(Counsel for incumbent objects for the reason that the papers themselves show from whom he received them.)

Answer. I do not know who left them there—they were left at my boarding-house. I have no recollection how long it was from the time I was in Wilkesbarre until the papers were left at my boarding-house. I believe it was nearly a month.

Q. Why did you not get your papers when you were in Wilkesbarre?—A. I would not pay $1 for them. I never had a naturalization before I had this one. I never did declare to become a citizen until I got them. I did not go alone to Wilkesbarre when I got them. James F. McNelis was with me for one. John P. O'Donnell I believe was there with me. Frank Gallagher and Con. Gilday I believe was there. I think that James F. McNelis was sworn for me as one of my witnesses.

Q. For whom did you vote at the last election for member of Congress.

(Counsel for incumbent objects for the reason that the witness has not been shown to have been an illegal voter at the last general election, his naturalization bearing the seal of the court of Luzerne County shows conclusively that he is a *bona-fide* citizen.)

A. The Democratic ticket; the Reilly ticket we used to call it.

Cross-examined by counsel for incumbent, with the usual reservations and exceptions:

I did see the name of Reilly on the ticket that I voted—the first name on the ticket. At the time when I went to Wilkesbarre, on the 20th day of September, my papers were all filled up but the seal; the prothonotary wanted one dollar before he would put the seal on it, and would not pay it. It was my intention on that day to become a citizen. The seal of the court was on my paper when I received it.

Redirect:

I only know this to be the seal of the court of common pleas of Luzerne County by what it reads.

PATRICK McNELIS.

Sworn and subscribed before me this 3d day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

GEORGE MCCONNELL sworn.

I live in Kline Township; voted at the general election held on the 7th day of November, 1876; was born in Ireland; came to this country the year, or the year before, old Buchanan was elected; am between 35 and 40 years old; am not 40, but over 35; think I am not 38. I was four months out of Pennsylvania in 1876; went away the month of May, and returned the 4th or 5th day of September. I had been living in Pennsylvania about fourteen years previous to my leaving, and my wife and whole family came here with me.

Question. How long were you in the country before you came to this State?—A. I don't know; I was a good while, anyhow.

(Witness produces a naturalization-paper, commonly known as a minority-paper, issued out of the court of common pleas of Carbon County, bearing date October 7, 1869; the names of Thomas Brisbin and Dennis Fisher appearing thereon as witnesses.)

This is the paper by which I claim the right of citizenship and the right to vote. Have known Thomas Brisbin since I was the height of the table; I knew him in Ireland. Lived in Honey Brook, Schuylkill County, when I got this paper.

Q. For whom did you vote at the last election for member of Congress?

(Counsel for incumbent objects for the reason that the evidence shows conclusively that witness was a legal voter at the last general election.)

A. I voted the Democratic ticket all the way through, like a buck.

his
GEORGE + McCONNELL.
mark.

Sworn and subscribed before me this 3d day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

DENIS O'HERRON sworn.

I live in Kline Township; voted there the last election, November 7, 1876; was born in Ireland; am about 60 years old; have been in this country about fifteen years; do not remember what year I came to this country. My naturalization-papers are worn out; the last I saw of them was on the day of the election, about two inches left of them; I showed them at the last election, and once before; then there was only about two inches left of them; got them in New York City, about twelve years ago, at the city-hall. They was the first papers that I ever had.

Question. For whom did you vote at the last election for member of Congress?

(Counsel for incumbent objects for the reason that the witness has not been shown to have been an illegal voter at the last general election.)

Answer. I voted for Nutting; I voted the Democratic ticket all through; I don't know who was running for member of Congress.

Q. How do you know that you voted for Nutting for Congress?

(Objected to by counsel for incumbent for the reason that the witness has already stated to answer of contestant's counsel that he voted for Nutting for member of Congress at the last general election; his answer is conclusive, and is immaterial how he knows.

Counsel for contestant states that when the witness was asked for whom he voted at the last election for Congress, witness hesitated, and upon the suggestion, by counsel of incumbent, of the name of Nutting, witness responded as in answer.)

A. I voted the Democratic ticket; I don't know that Colonel Nutting's name was on the Democratic ticket; I don't know that his name was on the ticket; they told it was; I can't read.

Q. If Nutting's name was not on the Democratic ticket, then you did not vote for Nutting?

(Counsel for incumbent objects to the form of the question, as it is cross-examination.)

A. I voted the Democratic ticket through and through. Before I took out my naturalization-papers in New York, I declared my intentions. I never had but one paper.

Q. What do you mean when you say that you declared an intention?

(Objected to by counsel for incumbent, for the reason that it is on cross-examination of contestant's own witness.)

A. I say that I was in the war; and when I was discharged I went to the city-hall and got my papers on my discharge; was in the country four years when I got my papers. I enlisted in New York, in the Regular Army; was in the Army twelve months; was discharged then, for the reason that the war was over. I can't tell whether I served in the artillery, infantry, or cavalry. I did not receive a bounty. I enlisted for two years; served in the city of New York; was never out of it; at Crosby street government store; have not my discharge with me. I forget the name of the colonel of my regiment.

Q. Do you know the name of the captain of your company?
(Objected to by counsel for incumbent as immaterial and irrelevant.)
A. Captain McMahan.

Cross-examined by counsel for incumbent, with the usual reservations and exceptions:

I served in the Army on foot. There was quite a number of troops stationed in New York. I served as a private the whole time.

his
DENNIS + O'HERRON.
mark.

Sworn and subscribed before me this third day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

PATRICK BONER sworn.

I live in Kline Township; voted there on November 7, 1876, at the general election; was born in Ireland; am about thirty-two or three years old; am about thirteen or fourteen years in this country; paid a State and county tax for the year 1875; paid it to McBreardy; paid a State and county tax for 1876; paid it to young James Mullen before the election; don't know how long before the election; have the receipt with me.

(Witness produces a State and county tax receipt for the year 1876, issued to Patrick Boner, signed "James Mullen, collector." Payment acknowledged October 6, 1876. Receipt put in evidence, Exhibit X X.)

Question. When did you pay the amount of this tax to James Mullen?

(Objected to by counsel of incumbent, that the receipt already in evidence shows that the tax was paid October 6, 1876.)

Answer. I don't know when I paid the tax to James Mullen. I cannot swear when I paid the tax, only as the receipt shows. I don't know of any other Patrick Boner in Kline Township but myself in it.

Q. Do you know a man in Kline Township by the name of Patrick Bonard?

(Counsel for contestant states the object of this question, if answered negatively, is to put in evidence, as far as this witness is concerned, the list of exonerations of Kline Township for the year 1875, already in evidence.

Counsel for incumbent objects, first, to the question as wholly immaterial, whether witness knows Patrick Bonard or not; and, second, to the purpose as immaterial and irrelevant.)

A. No, sir.

(Counsel for contestant refers to list of exonerations for Kline Township for 1875, already in evidence, in which occurs the name of Patrick Bonard.)

Q. For whom did you vote at the last election for member of Congress?

(At this point counsel for incumbent instructs witness not to answer.

Counsel for contestant objects to counsel for incumbent instructing contestant's witness; and furthermore objects to the counsel for incumbent assuming the functions of a judge, his power in the premises reaching no further than the right to make an objection to the question and having it appear on the record.

Counsel for incumbent objects to the question, for the reason that the witness has not been proven to have been an illegal voter at the last

general election; but that the evidence already produced, to wit, witness's tax-receipt, dated October 6, 1876, for State and county taxes, shows conclusively that he was a qualified voter at the time.)

A. I voted the Democratic ticket all through. I got the ticket from James Gildea.

his
PATRICK + BONER.
mark.

Sworn and subscribed before me this third day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

At 12 o'clock adjourned to 1.30 o'clock p. m.

At 1.30 p. m. hearing continued.

JOHN MCFADDEN sworn.

I live in Kline Township; voted there at the general election held there in November 7, 1876; my parents tell me that I was born in Ireland; I was twelve years last May in this country; am twenty-five years of age. I lost my naturalization-papers and tax-receipts; I got my naturalization-papers at Wilkesbarre three years ago last summer; Michael Brogan and Denis Dougherty were sworn when I got out my naturalization-papers; I knew them about three or four years, but they knew me since I came a boy to the country.

Question. If you did not know Michael Brogan and Denis Dougherty for more than two or three years prior to the time you got your naturalization-papers, how do you know that they had known you since you came to this country?

(Objected to by counsel for incumbent as immaterial.)

Answer. No more than what they have told me. I paid a State and county tax for the year 1875 to Kersey John, at Mount Carmel. I did not pay a State and county tax for 1876. I am living in Kline Township since last September a year.

Q. For whom did you vote at the last election for member of Congress?

(Objected to by counsel for incumbent for the reason that witness has not been shown to have been an illegal voter at the last general election.)

A. That is a question too much for me to answer; I can't answer that; I do not know what ticket I voted; got my ticket from Davis O'Donnell. Previous to getting my naturalization-papers, three years ago, I did declare my intentions to become a citizen; I did not declare my intentions no more than a week or two before.

Cross-examination by counsel for incumbent, with the usual reservations and exceptions:

My father lives in Kline Township; he came to this country before me; my father's name is James McFadden; he is not a voter; to the best of my knowledge he never took out his papers. What my father tells me I am twelve years in this country, and am twenty-five years of age last August. Have lived in Kline Township last September a year ago. I received a tax-receipt in 1875 for my State and county taxes for 1875.

his
JOHN + MCFADDEN.
mark.

Sworn and subscribed before me this 3d day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

JOHN CLARK sworn.

I live in Carbon County; I lived in Honey Brook, Kline Township, November 7, 1876. I voted in Honey Brook the time of the last election; I can't say when I came to Honey Brook; I was in it about six weeks. On the 16th of November I left Kline Township, and have been living in Carbon County ever since; was temporarily there during the said six weeks waiting to get a house from Thomas John; he promised me a house in Yorktown, Carbon County.

Question. For whom did you vote at the last election for member of Congress?

(Counsel for incumbent objects generally.)

Answer. I voted the Democratic ticket all the way through; it was dark; a man asked who I voted for, and I told him I wanted the Democratic ticket, and he gave it to me for the Democratic ticket.

Cross-examination by counsel for incumbent, with usual reservations and exceptions:

I did not read the ticket which I deposited. I could not, because it was dark. I do not know the man's name who gave me the ticket, but know him if I see him. Lived at Girardsville, Schuylkill County, before I went to Yorktown. My wife went with me when I went to Yorktown. Stopped with John Walsh, at Honey Brook. Can't tell what time I went to Honey Brook. Left Girardsville about the latter part of August or the second September, 1876; was about a week in Yorktown before I went to Kline Township. I lived in a white house between No. 5 and No. 6 colliery. I considered to make my home in Yorktown while I was living in Honey Brook. Would consider Yorktown my home when I moved there.

JOHN CLARK.

Sworn and subscribed before me this 3d day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

DENIS MCCOLE sworn.

I am sometimes called Denis McCoole and sometimes Denis McCole. Live in Kline Township. Voted there the last election held there last fall. Was born in Ireland. Am over eight years in this country; last May eight years. Am about thirty-one years old. I lost my naturalization-papers.

Question. When did you get your naturalization-papers?

(Counsel for incumbent objects, for the reason that the records of the court are the best evidence of when the witness received his papers.)

Answer. I can't answer to the date when I got them; can't tell what year. They were the first papers that I ever received. I got my full papers out at once. I declared an intention to the court.

Q. How long before you got your naturalization-paper did you declare you intention to become a citizen?—A. I never had any other paper but that. I cannot tell how long before I got my paper.

Q. Did you declare before any court of the United States two years before you got a naturalization-paper that it was your intention to become a citizen?—A. I never swore at any court before I got them.

Q. Did you ever have any other paper respecting citizenship than this naturalization-paper to which you refer?—A. I never had any other. I got my naturalization-paper at Wilkesbarre.

Cross-examination by counsel for incumbent, with the usual reservations and exceptions:

I got my naturalization-papers at Wilkesbarre.

his
DENIS + McCOLE.
mark.

Sworn and subscribed before me this 3d day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

DANIEL MCCAFFERTY sworn.

I live in Kline Township. Voted there the last general election, November 7, 1876. Am about forty years old. Came to this country about twenty-one years the 3d day of May next. Was born in Ireland.

(Witness produces a naturalization-paper, commonly known as a minority paper, issued out of the court of common pleas of Carbon County to one Daniel McCafferty, and bearing date October 5, 1869, names of James Shovelin and Condy Diviney appearing thereon as witnesses. Exhibit Y Y.)

This is the paper which I claim the right of citizenship on and the right to vote on. I knew James Shovelin about four or five years before I got out my papers. Have known Condy Diviney about the same time.

Question. For whom did you vote at the last election for member of Congress.

(Counsel for incumbent objects, for the reason that witness has not yet been legally shown to have been an illegal voter at the last general election; his naturalization-paper, already in evidence, bearing the seal of the proper court of Carbon County, proves conclusively that he was a qualified voter at the last November election.)

Answer. I cannot tell. I called for a full Democratic ticket. I got my ticket from Esquire Kelley.

Cross-examination by counsel for incumbent with usual reservations and exceptions:

I cannot read or write. I do not know whether my name is on my naturalization-paper. I speak from my own knowledge when I say that this is my naturalization-paper. Have heard people say that my name was on it. Must have been nineteen or twenty years of age when I came to this country. Never heard my age from my father or mother. Can't swear that I was more than eighteen when I came to the country. Have been about Kline and Schuylkill Townships the last twenty-one years. I remember when Langdon was killed. Don't remember the year. At that time I was often in Audenried. Have seen James Shovelin tending bar at Bach's.

Redirect:

This is the paper that I got in Mauch Chunk, I think. I never had any other naturalization-paper but this.

his
DANIEL + McCAFFERTY.
mark.

Sworn and subscribed before me this 3d day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

EDWARD COFFEE sworn.

I live in Kline Township, Schuylkill County. Voted at the last general election held there November 7, 1876. Am about thirty-five years old. Am about ten years in this country. I was born in Ireland.

(Witness produces a naturalization-paper issued from the court of common pleas of Luzerne County to one Edward Coffey, bearing date of October 1, 1875. Exhibit Z Z.)

This is the paper which I claim the right of citizenship on and the right to vote.

Question. Where did you get this paper?

(Objected to by counsel for incumbent for the reason that the paper bears on its face where it came from.)

Answer. I got this paper in Honey Brook. I never did apply or go to Wilkesbarre. Never took any oath to get this paper. Denis Birney gave me this paper in his own house in Honey Brook. I do not know where Denis Birney got this paper.

Q. For whom did you vote at the last election for member of Congress?

(Counsel for incumbent objects, for the reason that his naturalization-paper, already in evidence, bearing the seal of the court of Luzerne County, shows conclusively that witness was a qualified voter at the last November election.)

A. I voted for Mr. Reilly. That is the man that I wanted to vote for.

his
EDWARD + COFFEE.
mark.

Sworn and subscribed before me this 3d day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

THOMAS BANNAHAN sworn.

I live in Kline Township, Schuylkill County. I voted there at the general election, November 7, 1876; was born on the 11th day of March, 1823. I landed in this country May 26, 1863; was born in Ireland. I left my naturalization-papers in Honey Brook. I was subpœnaed to bring my naturalization-papers with me. I forgot my papers. I left my papers in James Gildea's house just two nights before I came down to testify in the Fowler-Felthoff case, and have not seen them since; it was about three weeks ago. I got my naturalization-papers last November a year ago. I went to Wilkesbarre, but I did not get them. I got them at Honey Brook seven or eight days after I had been to Wilkesbarre. I can't say that I took an oath when I was at Wilkesbarre; I was as drunk as a loon. I cannot swear that any man swore for me. I cannot say that I went to the court-house when I was in Wilkesbarre. Me and my party went to a house and there drank all day and night, and did not know anything until I got my paper in Honey Brook.

Question. Was this the first paper respecting citizenship that you have ever received?—Answer. Yes, sir. I never declared an intention to become a citizen.

Q. For whom did you vote at the last general election for member of Congress?

(Counsel for incumbent objects generally.)

A. I voted for Mr. Reilly, if he is the member of Congress.

Cross examined by counsel for incumbent, with the usual reservations and exceptions:

I can read print and plain writing; did not read my ticket that I voted. This paper that I left at Gildea's house had a paper like a circular saw; had an eagle and crown on it. This paper was about one and three-fourth inches in diameter; was red in color. I think that the name Trimmer was to this paper. I had about six drinks of whisky and two of ale to-day.

Redirect:

(Counsel for contestant reserves the right to recall this witness.)

his
THOMAS + BANNAHAN.
mark.

Sworn and subscribed before me this 3d day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

ROGER O'DONNELL sworn.

I live in Kline Township; voted there the last November (7, 1876) election; am about thirty years of age; was born in Ireland; have been in this country seven or eight years.

(Witness produces a naturalization-paper issued by the court of common pleas of Carbon County, commonly known as a minority-paper, to one Roger O'Donnell, bearing date September 30, 1872. Exhibit A A 1, J. C. C.)

This is the paper on which I claim my right to citizenship and right to vote. This is the only paper that I ever had, and my full paper.

Question. For whom did you vote at the last election for member of Congress?

(Objected by counsel for incumbent for the reason that his naturalization-paper already in evidence, bearing the seal of the court of Carbon County, shows conclusively that he was a qualified voter at the last election.)

Answer. I voted the Democratic ticket all the way through, and got my ticket from James Gildea.

Cross-examined by counsel for incumbent, with the usual reservations and exceptions:

I cannot read. I did not have the ticket that I voted read to me.

his
ROGER + O'DONNELL.
mark.

Sworn and subscribed before me this 3d day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

At 5 o'clock p. m. adjourned to Monday morning, February 5, 1877, at 9 o'clock.

And now, to wit, February 5, 1877; counsel present, J. H. Pomeroy, esq., for contestant, and Anthony Campbell, esq., for incumbent.

PATRICK LAFFERTY sworn.

I live in the east ward of the borough of Tamaqua; voted there at the last general election; was born in Ireland. As near as I can tell, I came to this country about twenty-three, twenty-four, or twenty-five years ago; am about forty-five or forty-six years old, to the best of my opinion.

(Witness produces a naturalization-paper of the kind commonly known as a minority-paper, issued out of the court of common pleas of Schuylkill County to one Patrick Lafferty, bearing date September 21, 1868, the name of Seligman Morganroth appearing thereon as a witness. Exhibit B B 1.)

This is the paper by which I claim the right of citizenship. At the time I got this paper I knew Seligman Morganroth about 7 or 8 years.

Question. For whom did you vote at the last election for member of Congress?

(Objected to by counsel for incumbent for the reason that the witness has not been shown by competent evidence that he was an illegal voter at the last general election; his naturalization-papers already in evidence, bearing the seal of the proper court of the county of Schuylkill, show conclusively that he was a qualified voter at the last general election.)

Answer. I voted the Democratic ticket through; I asked for a Democratic ticket.

Cross-examination by counsel for incumbent, with the usual reservations and exceptions:

I cannot read or write. I could not and did not read the ticket that I voted on the election. I think it was read to me. I am not quite sure. I cannot swear positive who I voted for for Congress. The only way that I knew that I got a Democratic ticket I asked for one. I think I was in the country about nine, or ten, or eleven years before I got out my paper. Affidavit in naturalization-paper made the 21st day of September, 1868, wherein deponent says he is of the age of twenty-five years at that time, witness says it is correct. I thought I knew my age better at that time than I do know now. Seligman Morganroth lived at that time in Tamaqua; knew him about seven or eight years.

Redirect:

To the best of my knowledge, I am more than forty years old now.

Q. At the last election did you or not intend to vote the Democratic ticket?

(Counsel for incumbent objects for the reason that it is immaterial who witness intended to vote for, the question being for whom did he actually vote if he knows or not.)

A. I intended to vote the Democratic, and I believe I voted it.

Recross-examined:

I can't say what electors I voted, but I intended to vote for Reilly. If on the 21st day of September I swore that I was twenty-five years of age, to the best of my knowledge it was correct.

his
PATRICK + LAFFERTY.
mark.

Sworn and subscribed before me this 5th day of February, A. D. 1877.
[SEAL.] JOHN O. CONRAD,
Notary Public.

JAMES MCGLAUGHLIN sworn.

I live in Kline Township; voted there on the election held November 7, 1876. I believe that I was born in Ireland; came to this country in 1863; as near as I know, it was in the month of October when I came; I am not supposed to swear to any age; I never swore to my age.

(Witness produces a naturalization-paper of the kind commonly known as a minority-paper, issued out of the court of common pleas of Carbon County, bearing date July 20, 1868, the names of William Mulherran and Patrick Burke appearing thereon as witnesses. Exhibit C C 1.)

When I came to this country, I came direct to the coal-regions, to what is now known as Kline Township. This is my naturalization-paper, and on that paper I claim my right of citizenship; this is a copy of my papers. It is more than I can tell how long I have known William Mulherrin; have not known him since I have been in the country.

Question. Can you form any idea of your age at the present time?—Answer. Of what I hear other people say, I am about thirty years of age.

Q. For whom did you vote at the last election for member of Congress?

(Objected to by counsel for incumbent for the reason that the foregoing evidence of the witness, together with his naturalization-papers, bearing the seal of the court of Carbon County, already in evidence, proves conclusively that he was a bona-fide voter at the last election.)

A. I don't know who I voted for.

Q. What ticket did you vote at the last election?

(Objected to by counsel for incumbent as immaterial and irrelevant, the question being whom did he vote for for member of Congress.)

A. I was supposed to have voted the Democratic ticket.

Q. From whom did you receive your ticket?

(Objected to as immaterial.)

A. I don't remember. I was living in Carbon County when I got my naturalization-paper. I have been living in Kline Township continuously for four years. I suppose that my naturalization-paper will state for itself where I got it.

Q. Did you or not get your naturalization-papers in Mauch Chunk?

(Objected to by counsel for incumbent for the reason that the papers themselves show where they were received.)

A. I got them in Mauch Chunk. I took an oath when I received them. I did not swear to my age.

Cross-examination by counsel for incumbent, with the usual reservations and exceptions:

When I got out my papers at Mauch Chunk, I took the oath that was required of me by the prothonotary. I cannot tell how long William Mulherrin knew me. I cannot tell how long Patrick Burke knew; he knew my father in Ireland.

his
JAMES + McGLAUGHLIN.
mark.

Sworn and subscribed to before me this 5th day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

EDWIN MUNDAY sworn.

I live in the north ward of Tamaqua; voted in that ward at the last general election held there the 7th day of November, 1876. Was born in Ireland. Was between nine and ten years of age when I came to this country. I vote on my discharge-papers—a discharge from the United States volunteers. I never had a naturalization-paper; always voted on my discharge.

Question. For whom did you vote at the last election for member of Congress?

(Objected to by counsel for incumbent.)

Answer. I voted for Reilly.

Cross-examined by counsel for incumbent:

I can't say how long I voted on my discharge-paper. The election-officers never refused my vote on that paper; all that I was challenged for was taxes. Can't read nor write. The ticket was read over to me by Thomas Purcell. Can't tell if ticket was read to me correctly. My father lived in this county at Summit Hill. Cannot say if my father was naturalized citizen or not; was dead before I came to the country. His name was Thomas Munday. He came direct to Summit Hill. Did not live at any other place. Can't say if he declared his intention to become a citizen.

his
EDWARD + MUNDAY.
mark.

Sworn and subscribed before me this 5th day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

EDWARD MULDOWNEY sworn.

I live in Kline Township, Schuylkill County; voted there on the general election held November 7, 1876; have not paid a State or county tax in 1876. I am not sure that I paid a State or county tax in 1875. I lived in Scranton at that time, and paid a tax. Have lived in Kline Township one year last August. Was born in this country.

Question. For whom did you vote for member of Congress at the last election?

(Counsel for incumbent objects for the reason that the evidence shows that the witness was a legal voter at the last general election, and informs the witness that he is not obliged to answer the question.)

Counsel for contestant denies the right of the counsel for incumbent to instruct contestant's witness.

Answer. I don't know who I voted for. I voted the straight Democratic ticket through.

Cross-examination by counsel for incumbent, with the usual reservations and exceptions:

I got a receipt for the tax that I paid in 1875. I paid the tax a year ago last August. I cannot tell that I paid my tax at that time for the purpose of voting. I lost my receipt. I produced my receipt at the last election at the polls in Kline Township, and my vote was admitted. I paid the tax to Martin Furguson, in Scranton. The amount of tax paid was eighty cents.

Redirect:

When I voted the election-officers took my receipt and looked at it. Martin Furguson was the collector of State and county taxes.

EDWARD MULDOWNEY.

Sworn and subscribed before me this 5th day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

JOHN MORAN sworn.

I live in Kline Township; voted there at the general election held there November 7, 1876.

(Witness produces a receipt for State and county taxes for 1874, dated November 28, 1874, issued to John Moran, signed John Dolan, collector.)

Question. When did you pay this tax to John Dolan?

(Objected to by counsel for incumbent for the reason that the receipt is the best evidence of payment.)

Answer. I paid on the night that he filled out the receipt. This is the receipt that he filled out at that time. I did not pay a State or county tax in 1875. Did not pay a State or county tax in 1876.

Q. For whom did you vote at last election for member of Congress?

(Objected to by counsel for incumbent for the reason that the witness has not been shown to be an illegal voter at the last election.)

A. For James B. Reilly, to the best of my opinion.

Cross-examination by counsel for incumbent, with the usual reservations and exceptions:

I did not present this receipt to the election-officers, but I produced a receipt for 1876. I received a tax-receipt for taxes for 1876. I got it from James Mullen. I presented that tax-receipt to the election-officers. I left that receipt when I was a witness in Fowler-Felthoff case with them; left it more than two weeks ago. I did not pay tax in 1876, and cannot say that any one else paid it for me.

Redirect:

I received the receipt from James Mullen the night before the election.

Recross:

I believe it was dated the 6th or 7th October, 1876.

JOHN MORAN.

Sworn and subscribed before me this 5th day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

WILLIAM BILLINGSY sworn.

I live in Kline Township; voted in Kline Township at the election held there November 7, 1876. I paid a State and county tax within two years.

Question. Did you pay a State or county tax for 1875?

(Objected to by counsel for incumbent for the reason that it is cross-examination of contestant's own witness.)

Answer. I paid a tax a year ago last fall. I paid it to no one, and got no receipt.

Q. Did you pay a State or county tax for 1876?

(Counsel for incumbent objects.)

A. I did not; James Mullen paid it for me.

Q. How do you know that James Mullen paid your State or county taxes for 1876?

(Objected to by counsel for incumbent for the reason that it is cross-examination of contestant's own witness.)

A. Because he gave me the receipt, and told me to go to the poll and vote on it.

Q. For whom did you vote at last election for member of Congress?

(Objected to by counsel for incumbent for the reason that witness has not been shown to have been an illegal voter at the last election.)

A. I voted the Democratic ticket.

Cross-examination by counsel for incumbent, with the usual reservations and exceptions:

I cannot read or write. I worked on the roads in Kline Township in 1875. I believe they kept all my taxes out of my order for work done on the road. I did receive a tax-receipt for 1876, the night before the election, from James Mullen, the young man.

(Counsel for incumbent refers to tax-receipt already in evidence, issued

to witness, signed James Mullen, collector; payment acknowledged October 6, 1876.)

I cannot tell that is the receipt that I got from James Mullen.

his
WILLIAM + BILLINGSY.
mark.

Sworn and subscribed before me this 5th day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

JOHN MCDEVITT sworn.

I live in Kline Township; voted there at the election held in November 7, 1876; was born in Ireland; am between twenty-six and twenty-seven years of age; have been in the country since 1869. I lost my naturalization-papers; I took them out in the fall of 1875 at Wilkesbarre; they were the first papers that I applied for; previous to that I never declared to become a citizen. I believe it was James Gildea and James McNelis that was sworn for me; I think it was James Gildea.

Question. Were you one of the large number that visited Wilkesbarre at that time, for the purpose of getting naturalization-papers, in the neighborhood from Kline Township?

(Objected to by counsel for incumbent for the reason that it assumes a fact; that it has not been brought out in the evidence.)

Answer. There were a good many at that time; I do not know if I am one you refer to. McNelis knew me in the old country; we were schoolboys together. James Gildea knew me since 1871. I did not get my paper that day. I took an oath about a week after I received my naturalization-paper. I believe that Gildea handed it to me.

Q. For whom did you vote at the last election for member of Congress?

(Objected to by counsel for incumbent for the reason the witness has not been shown an illegal voter at the last general election.)

A. I voted the whole Democratic ticket.

JOHN MCDEVITT.

Sworn and subscribed before me this 5th day of February A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

At 12.30 adjourned to 1.30 p. m.

Hearing continued at 1.30 p. m.

EDWARD BRENNAN sworn.

I live in the east ward of Tamaqua.

(Counsel for the incumbent objects to the examination of this witness for the reason that no notice has been served upon incumbent that an Edward Brennan, of the east ward of the borough of Tamaqua, would be produced as a witness for contestant, to be examined at the United States Hotel, in the borough of Tamaqua, before John C. Conrad, commissioner.

J. H. Pomeroy, esq., counsel for contestant, offers in evidence a notice of taking evidence at this time and place, with proof of service upon the incumbent, marked Exhibit D D 1.)

I voted in the east ward of the borough of Tamaqua at the general election held November 7, 1876; was born in Tamaqua; was twenty-four years of age last Christmas; never paid a State or county tax in my life.

Question. For whom did you vote at the last general election for member of Congress?

(Counsel for incumbent objects to the foregoing question until he has an opportunity of cross-examining witness to ascertain if any one else paid a State or county tax for him within two years.)

Answer. I voted for Reilly. I voted the Democratic ticket.

Cross-examination by counsel for incumbent, with the usual reservations and exceptions:

I did not pay any State or county tax in my life, and I do not know that anybody else paid one for me. I received a receipt for taxes, for State and county, for 1876, on the election-day. Do not remember the date of that receipt. I got it from George Krell, collector of taxes for Tamaqua. I left that receipt with the commissioner in the Fowler and Felthoff case about two weeks ago; have no receipt for the tax-receipt that I left; they did not give it back to me. I asked for it. I did not read the ticket that I voted on the election-day. I cannot read.

Redirect:

I got the tax-receipt which I speak of from George Krell; personally he handed it to me.

Q. Relate the circumstances under which you got that receipt.

(Objected to as immaterial and irrelevant.)

I told John Fulton that if he would get anybody to pay my tax I would vote; he said Adam Hartwig would pay them; then I went up to Hartwig's; George Krell was coming along the street then; I called him back to Hartwig's. Hartwig told Krell to make me out a receipt; that he would pay for it. Krell said he was afraid he would get himself into trouble. I told him he would not get in trouble by me. A few minutes after Krell handed me a receipt. All this took place in Hartwig's saloon on the election-day, towards night.

Recross-examined:

I presented this receipt to the election-officers; they admitted my vote on it, and said it was all right. I am sure that it was on election-day. I cannot say that I voted in 1875. I never had any conversation with Hartwig before about paying this tax. It was about six o'clock in the evening when I met Fulton; it might have been over half an hour from the time that I met Fulton until I went to Hartwig's.

his
EDWARD + BRENNAN.
mark.

Sworn and subscribed before me this 5th day of February, A. D. 1877.
[SEAL.]
JOHN C. CONRAD,
Notary Public.

JOHN MCCARRON sworn.

I live in Tamaqua; voted at the last November election in the north ward; was born in Ireland; came to this country twenty-two or twenty-three years ago. My wife burned my naturalization-papers. I got them about sixteen or seventeen years ago at Beard's Hotel, in Tamaqua. I never applied for my papers at Pottsville. I never was in Pottsville. I got my papers to vote for a fellow that lived in town. The man that I got my paper from gave out about one hundred papers; he was running at that time; he was running to beat others, and he got it, too. Soon after I got my papers my wife burned them. I have not paid any State or county tax for four or five years.

Question. For whom did you vote at the last election for member of Congress?

(Objected to by counsel for incumbent until he has an opportunity to cross-examine the witness.)

Answer. I voted for nobody but Reilly.

Cross-examination by counsel for incumbent, with the usual reservations and exceptions:

I do not know whether I am ninety-three or ninety-four years of age. My memory is not half so good as it used to be. No one but myself paid taxes for me the last four or five years. Did not earn ten dollars in five or six years. I did understand all the questions put to me. I never have been to Pottsville in my life. I did hand the election-officers a receipt when I voted. I can't see to read now. I could read at one time. I did not read my ticket that I voted. I had the ticket read for me. I did know of my own knowledge that Reilly's name was on the ticket I voted. I am hard of hearing; have not been drinking to-day; who will give anything?

his
JOHN + McCARRON.
mark.

Sworn and subscribed before me this 5th day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

JAMES MUNDAY sworn, *voir dire*, and examined by A. Campbell, esq., counsel for incumbent.

My name is James Munday. I reside in the north ward of Tamaqua.

(Counsel for incumbent objects to witness being sworn and examined, for the reason that incumbent did not have notice that contestant would call James Munday from the north ward of the borough of Tamaqua, to be examined for contestant, at the United States Hotel, in the borough of Tamaqua, before John C. Conrad, commissioner.)

JAMES MUNDAY sworn.

I live in Tamaqua. I did vote in the north ward of the borough of Tamaqua on the 7th day of November, 1876. I am about 26 years of age. I cannot swear that I paid a State or county tax for the year 1875. I had a tax-receipt; I got it on the day of election. I did not pay a State or county tax for 1876, not as I know of.

Question. Who did you vote for at the last election for member of Congress?

(Objected to by counsel for incumbent, for the reason that counsel for incumbent had not had an opportunity to cross-examine witness, ascertaining whether or not he was a legal voter at the last general election.)

Answer. That I cannot say.

Q. What ticket did you vote at the last election?

(Objected to as immaterial and irrelevant.)

A. I cannot tell that.

Q. Who made up your ticket?

(Objected to as immaterial and irrelevant.)

A. I think it was Barney Sharp.

Q. Do you know what tickets Sharp was giving out?

(Objected to as immaterial and irrelevant.)

A. He told me he was giving out the Democratic ticket.

Cross-examined by counsel for incumbent, with the usual reservations and exceptions:

I can read print. I worked for Messrs. Schwartz and Shepp about

three or four months ago. Mr. Schwartz told me he paid my tax; it was kept out of pay in the office. I never had a tax-receipt. He told me he paid it to Mr. Follweiler, the collector.

Redirect:

Don't know of my own knowledge that this tax was paid. Can't tell what time it was; whether in 1875 or 1876. I do not know what tax Follweiler collects. I had a receipt for taxes at the last election; got it from William Felthoff on the morning of the election; did not pay anything for it.

Recross:

This receipt that I got from Felthoff I presented it to the election-officers, and my vote was challenged first. I then presented my receipt and it was dated one day too short; then the tax-collector came and swore that the tax was paid thirty days before the election; then my vote was received. I don't know that my taxes were paid by Mr. Schwartz, and don't know that money was kept back for it.

Re-redirect:

I can't say that the collector swore that the tax was paid thirty days before the election; I think he did.

(Mr. Nutting asks the witness whether he knows of his own knowledge that his taxes were deducted from his pay. Witness answers that he does not.)

his
JAMES + MUNDAY.
mark.

Sworn and subscribed before me this 5th day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

At 4 o'clock p. m. adjourned until Tuesday morning at 9 o'clock, February 6, 1877.

And now, to wit, February 6, 1877, counsel present, J. H. Pomeroy, esq., for contestant, and Andrew Campbell, esq., for incumbent.

LUKE MCCOOL sworn.

I live in the south ward of the borough of Tamaqua. I voted in the south ward of the borough of Tamaqua at the general election held there November 7, 1876. Am about twenty-four years of age; was born in Ireland. I never took out a naturalization-paper.

Question. For whom did you vote at the last election for member of Congress?

(Objected to by counsel for incumbent, for the reason that he has had not an opportunity to cross-examine witness and thereby ascertain definitely whether or not that he was a legal voter at the last election.)

Answer. For James B. Reilly.

Cross-examination by counsel for incumbent, with the usual reservations and exceptions:

I can read and write; I read the ticket that I deposited on the election-day. I am in this country since I was nine months old. My father came to this country before I did. My mother told me that my father had declared his intention to become a citizen. My father lived in this town all his life-time; he died before he got his second paper. I think he declared his intentions in Pottsville. Father's name was Luke McCool. I have lived in Tamaqua all my life since I came to this country.

I do not know of my own knowledge that I was born in Ireland, only what my mother told me. I never was asked to present my father's papers at the election.

LUKE McCOOL.

Sworn and subscribed before me this 6th day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

JOHN SHERER sworn, *voir dire*, and examined by A. Campbell, esq., counsel for incumbent.

My full name is John B. Sherer. I live in Tamaqua, in south ward.

(Counsel for incumbent objects to the examination of this witness for the reason that incumbent did not have notice that the witness would be called by contestant before John C. Conrad, commissioner, at the United States Hotel, in the borough of Tamaqua.)

JOHN B. SHERER sworn.

I voted at the election held November 7, 1876. I voted in the north ward. I lived in the south ward at that time. I am thirty-four years old; was born in France. I have been in this country fourteen years, and ten years in this county; never got a naturalization-paper.

Question. For whom did you vote at the last election for member of Congress?

(Objected to by counsel for incumbent until an opportunity is offered for a cross-examination.)

Answer. I voted the Democratic ticket through, excepting Reilly.

Cross-examined by counsel for incumbent, with the usual reservations and exceptions:

Q. You say that you voted the Democratic ticket through with the exception of Mr. Reilly. Now state what influence was brought to bear upon you to induce you to refuse to vote for Mr. Reilly.

(The purpose of this question is to show by witness that illegal and unlawful means, to wit, bribery and corruption, were resorted to by the opponents of Mr. Reilly.

Counsel for contestant objects to this question on the ground that it is irrelevant and immaterial what means brought to bear on witness as to the disposition of his vote, the point at issue being for whom did he vote, and not the reason why he so voted, and furthermore it is not cross-examination.

Counsel for contestant also objects to the purpose of the offer, as it assumes a fact that has not been proven.)

A. I voted for whom I pleased. I did not receive any money from any one.

JOHN B. SHERER.

Sworn and subscribed before me this 6th day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

GEORGE BOYLE sworn.

I live in the east ward of the borough of Tamaqua. I voted in that ward at the general election held November 7, 1876. I was down at the polls in morning. I handed in my ticket. I was challenged for taxes. I went home and got my tax-receipt, and came down in the afternoon and deposited my ticket. I am about 46 years of age; was born in Ireland. On the 15th day of October, 1848, I landed in New York. I was between seventeen and eighteen years old when I landed.

Question. For whom did you vote at the last election for member of Congress?

(Objected to by counsel for incumbent, for the reason that witness has not been shown to have been an illegal voter at the last election.)

Answer. That is more than I can tell. I got my ticket from John Horn, and put it in without reading it. I calculated to vote the Democratic ticket, and I never voted anything else.

Cross-examined by counsel for incumbent, with the usual reservations and exceptions:

I presented my tax-receipt at the polls between two and three o'clock; the election-officers received my vote; they looked at my tax-receipt.

Redirect:

Q. Had you not been drinking a good deal on the election-day?
(Objected to as immaterial and irrelevant.)
A. I had a sup in me in the afternoon; had two or three drinks.

his
GEORGE + BOYLE.
mark.

Sworn to and subscribed before me this 6th day February, A. D. 1877.

JOHN C. CONRAD,
Notary Public.

THOMAS MCBREEN sworn *voire dire.*

Examined by A. Campbell esq., for incumbent:

My full name is Thomas McBreen; I live in the south ward of the borough of Tamaqua.

(Counsel for incumbent objects to the examination of this witness. Witness was not examined.)

TERRENCE CUNNINGHAM sworn.

I live in the south ward of the borough of Tamaqua; I voted in the south ward at the general election held November 7, 1876; was born in Nesquehoning, Carbon County, in this State. I have paid a State and county tax within two years; I have paid a State and county for 1874; I paid it some time in March, 1876.

(Witness produces a rceeipt for county tax for the year 1874, issued by H. Donohue, collector, to Terrence Cunningham; receipt dated February 26, 1876. I paid a poll-tax in Virginia City, State of Nevada; I returned to Tamaqua in the latter part of September, 1875, and have lived here continuously; I was born in the year 1843 or 1844. Marked Exhibit E E 1.)

Question. For whom did you vote at the last election for member of Congress?

(Objected to by counsel for incumbent for the reason that the foregoing evidence proves conclusive that the witness was a qualified voter at the last election.)

Answer. I voted the Democratic through; I voted for James B. Reilly. The tax that I paid for 1874, I paid to James Donohue, son of Humphrey Donohue.

Q. Was Humphrey Donohue collector of taxes for State and county taxes at the time you paid him your taxes in March, 1876?—A. I think that he was collector.

Cross-examined by counsel for incumbent, with the usual reservations and exceptions:

I left Tamaqua, the 9th or 10th of July, 1874, for the West, and returned

the latter part of September, 1875. It was my intention to locate in the West if it suited me, and if it had suited I would have staid there. While in Virginia City, I paid a tax there, latter part of April or beginning of May. I read the ticket that I voted on the election-day.

TERRENCE CUNNINGHAM.

Sworn and subscribed before me this 6th day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD, *Notary Public.*

At 11 o'clock a. m. adjourned to 2 o'clock p. m.
And now, to wit, 2 o'clock p. m., hearing continued.

PATRICK MCDERMOT sworn.

I live in Audenried, Schuylkill County. I voted there at general election held there November 7, 1876. Was born in Ireland. I can't tell my age. I am not fifty years old, and nothing like it. I think I am not forty years of age, and nothing like it. I cannot tell my age very well in this country.

Question. Can you form any idea of your age?—Answer. I think I am twenty-six going on twenty-seven years. I have been in this country over eight years.

Q. Do you know in what year you arrived in this country?

(Objected to, it being a cross-examination.)

A. I do not; I have been living in Kline Township four years.

Q. Where were you living before you came to Kline Township?

(Counsel for contestant states the object of this question at the request of the counsel for incumbent to be to ascertain where the witness lived previous to that time. Objected to as being immaterial and irrelevant.)

A. At Hazleton, Luzerne County lived there about five years before I left. I lost my naturalization-papers. I don't think that I have seen my naturalization-papers since last election; got them at Wilkesbarre, about two years ago. Went there myself for them.

Q. Are you one of the large number that went from the neighborhood of Kline Township about two years ago for the purpose of procuring naturalization-papers?

(Objected to by counsel for incumbent, first, because it assumes a fact not in evidence; second, it is immaterial and irrelevant.)

A. I think I was one of the crowd; I went away with them about that time; there was about two car-loads. I did not take an oath when I took out my papers; some one swore for me when I got my papers; one of them was named James F. McNelis and the other James Gildea; James Gildea, I think, got them out; I had nothing to do with it. I cannot tell in what part or where I got my papers in Wilkesbarre; I have never been to Wilkesbarre before.

Q. Did you see McNelis and Gildea sworn for you as a witness?

(Objected to as immaterial and irrelevant.)

A. I cannot tell; I did not get my papers that day; a whole lot of them were sent down afterwards; they were the first papers that I ever got.

Q. For whom did you vote at the last election for member of Congress?

(Counsel for incumbent objects, first, for the reason that the witness has not been shown to have been an illegal voter at the last election; second, for the reason counsel for incumbent has not had an opportunity to cross-examine the witness.)

A. I voted the Democratic ticket.

Cross-examination by counsel for incumbent with the usual reservations and exceptions:

I can't read nor write, and the ticket that I voted was not read to me.

I did not know what name was on the ticket for member of Congress. When I went to Wilkesbarre I went with the crowd; don't know where I got my naturalization papers, whether it was the court-house or not. I was not very sober the day I got my papers; plenty of things happened that day that I don't know of.

Redirect:

Q. Do you know from whom you got your ticket at the last election? (Objected to as being immaterial and irrelevant.)

A. I think I got it from Dennis O'Donnell at the last election.

his
PATRICK + McDERMOT.
mark.

Sworn and subscribed before me this 6th day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

PATRICK DOLAN sworn.

I live in the south ward of the borough of Tamaqua; voted there at the general election held on the 7th day of November, 1876; am about twenty-four years of age.

Question. Have you paid a State or county tax within two years previous to the last election?—Answer. I did not pay any; it may have been paid for me; they gave me the receipt.

Q. Do you know of your own knowledge that your tax was paid for you?

(Objected to as being cross-examination.)

A. I don't know, only what the receipt calls for; the receipt was for taxes for 1876. I got that receipt from George Krall, the tax-collector, on the election-day.

Q. For whom did you vote for at the last election for member of Congress?

(Objected to by the counsel for incumbent, for the reason that the foregoing evidence was proof conclusive that the witness was a legal voter on election-day.)

A. For James Reilly.

Cross-examined by counsel for incumbent, with the usual exceptions and reservations:

I did read my ticket that I voted; in 1875 I paid part of my taxes; I think it was two dollars and eighty-five cents, and I paid one dollar on it. I did not get any receipt for it. The receipt that I got on the election-day was dated October 6, 1876; it was dated one month back. I did not show that receipt to the election officers; they did not ask for it. The receipt I left in the Fowler and Felthoff case, they did not give a receipt for it.

Redirect:

I paid the dollar on account of my taxes for 1875 to George Krell. I owe him one dollar and eighty-five cents.

PAT. DOLAN.

Sworn and subscribed before me this sixth day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

BERNARD MCNELIS sworn.

I live in the north ward of the borough of Tamaqua. I voted in the north ward of the borough of Tamaqua, election held there November

7, 1876. I am about thirty-two or thirty-three years old. I paid no taxes in 1875 or 1876.

Question. For whom did you vote at the last election for member of Congress?

(Objected to by counsel for incumbent for the reason that he has not had an opportunity of cross-examining witness and ascertaining whether or not witness was a legal voter at last election.)

Answer. James B. Reilly.

Cross-examined by counsel for incumbent, with the usual reservations and exceptions:

I did not pay any State or county tax for 1876. Can't say that any one paid a tax for me within two years. I was given a tax-receipt on election-day by George Krell, the tax-collector. I presented the receipt to the election officers, and my vote was admitted. I left the receipt as evidence in the Fowler and Felthoff case. I can read and write. I read the ticket that I voted on the election-day. I always read it.

BERNARD MCNELIS.

Sworn and subscribed before me this sixth day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

At 4 o'clock p. m. adjourned till Wednesday morning, February 7, 1877, at 9 o'clock.

And now, to wit, February 7, 1877, counsel present, Robert L. Leyburn, esq., for contestant, and Anthony Campbell, esq., for incumbent.

No witnesses appear.

At 11 o'clock a. m. adjourned till 1.30 p. m.

And now, to wit, 1.30 p. m., hearing continued.

Robert L. Layburn, esq., counsel for contestant, offers in evidence a notice of taking evidence at this time and place, with proof of service upon the incumbent. (Marked "Exhibit F F 1.") Also notice marked "Exhibit G G 1."

At 2 o'clock p. m. adjourned till Thursday morning, February 8, 1877, at 9 o'clock.

And now, to wit, nine o'clock Thursday morning, February 8, 1877, counsel present, Robert L. Leyburn, esq., for contestant, and Anthony Campbell, esq., for incumbent.

No witnesses appear.

Adjourned till Friday morning, February 9, 1877, at nine o'clock.

And now, to wit, Friday, February 9, 1877, counsel present, J. H. Pomeroy, esq., for contestant, Anthony, esq., for incumbent.

GEORGE HOFFMAN sworn.

I live in the east ward of the borough of Tamaqua. I voted in that ward at the last general election. As far as I know, I paid a State and county tax every year. I paid my tax for the year 1875; I have got a receipt for that tax. (Witness presents a receipt for borough and water tax for 1874.) I paid this tax to James Scott. It was the only tax that I paid in 1875. I paid a State and county tax for 1876. I cannot tell the day that I paid it. I paid it myself; I paid it to George Krell, before

the election, and do not know how long before the election that I paid it. Got my receipt from George Krell, and got it at the time that I paid the tax.

Question. Did you or not testify in the Fowler and Felthoff contested-election case that you paid no tax for 1876, but that you received a receipt from Mr. Felthoff the Sunday previous to the election? The object of this question is to refresh witness's mind as to the fact of the payment of his taxes for 1876, as he apparently confounds the payment of water and borough tax with the payment of his State and county tax.

(Objected to by counsel for incumbent as immaterial and irrelevant.)

Answer. Mr. Felthoff gave me the receipt, and what I testified to in the case was true. I do not know of any one paying that tax. I don't know how old I am; I had my age long before I voted. I guess I am about twenty-five years old, but I am not sure.

Cross-examined by counsel for incumbent:

I paid a tax in 1875 to George Krell. I do not remember the time that I paid that tax; he gave me a receipt. I paid in town at a shoemaker shop. I don't remember who was present. My receipt for taxes of 1876 has been kept by Fowler and Felthoff investigation. I showed that receipt to the election-officers when I went to vote, and my vote was admitted. I cannot read or write.

Redirect:

The tax-receipt that I got from George Krell, for 1875, I believe I got at home. The water and borough tax was not the only tax that I paid 1875.

Q. Whom did you vote for at the last election for member of Congress?

(Objected to by counsel for incumbent, for the reason that the foregoing evidence shows conclusively that he was a legal voter at the last election.)

A. I do not know who I voted for right.

Q. Do you know what ticket you voted?

(Objected to as immaterial and irrelevant.)

A. The Democratic ticket.

Cross-examined by counsel for incumbent, with the usual reservations and exceptions:

I did not have the ticket read to me that I voted, and don't know who is on that ticket.

his
GEORGE + HOFFMAN.
mark.

Sworn and subscribed before me this ninth day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

THOMAS MCBREEN sworn.

I live in the south ward of the borough of Tamaqua; voted there at the last general election. I did not pay a State or county tax within two years prior the last election. Was born January 10, 1854.

Cross-examined by counsel for incumbent:

I did not pay a State or county tax within two years, and I do not know if any one else paid one for me. I did not get a receipt within two years for a State or county tax.

Redirect:

Question. For whom did you vote at the last election for member of Congress?

(Objected to generally.)

Answer. I voted for Reilly.

Cross-examined by counsel for incumbent, with the usual reservations or exceptions:

I read the ticket that I voted; this was the first election that I ever voted at. I was twenty-one years old two years ago January 10 last. My vote was challenged at the polls; I don't know who challenged it. I got my vote in by voting on age. I went inside of the election-room and took an oath. I found out after that it was not true; I was going on twenty-three instead of twenty-two. I saw the record of my age in the Bible the other week.

THOMAS McBREEN.

Sworn and subscribed before me this 9th day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

James Munday recalled.

It is agreed that the evidence taken on the fifth day of February, 1877, of witness shall stand, the counsel for incumbent waiving all objections and irregularities as to notice, &c.

At 10.20 adjourned till Saturday morning, February 10, 1877, at 9 o'clock.

And now, to wit, February 10, 1877, counsel present, J. H. Pomeroy, esq., for contestant, and Anthony Campbell, esq., for incumbent.

John Gorman recalled, sworn.

I am about fifty years old.

(Witness produces a naturalization-paper issued by the court of common pleas of Columbia County to one John Gorman, bearing date September 8, 1871.)

This is the first paper that I ever got in this country. I did declare an intention to become a citizen before I got this paper. I cannot tell how long I did declare my intention before I got this paper. James Halliman was my witness to my paper; have known him a long time before I got this paper. I paid a tax in 1876, but do not know when.

JOHN GORMAN.

Sworn and subscribed before me this 10th day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

CONNELL HAGGERTY sworn.

I live in Kline Township; I voted there at the last general election in November last; I did not pay any tax for 1876, but Mullen told me it was paid for me; I did not pay a State or county tax in 1875; I am past fifty years of age; I was born in Ireland; I got my naturalization-papers over twenty years ago, at Pottsville; I have not got my naturalization-paper with me; I lost or mislaid it previous to the election; I am about thirty years in this country; I declared to become a citizen before I got my naturalization-paper; about three or four years before.

Cross-examined by counsel for incumbent:

I did receive a tax receipt for taxes of 1876 from young James Mul-

len; I do not remember the date of that receipt; the receipt has been left in evidence in the Fowler-Felthoff contest; I asked for the receipt, but would not let me have it; I consider my taxes for 1876 paid; Mr. Mullen told me that my taxes had been paid.

Redirect:

Question. For whom did you vote at the last election for member of Congress?

(Objected to by counsel for incumbent for the reason that the foregoing evidence proves conclusively that he was a legal voter at the last election.)

Answer. That is more than I can tell you; I did not open my ticket.

Q. From whom did you get your ticket?

(Objected to as immaterial.)

A. From James Gildea.

Q. Do you know what tickets he was giving out?

(Objected to as immaterial and irrelevant.)

A. I do not know what tickets he was giving out.

his
CONNELL + HAGGERTY.
mark.

Sworn and subscribed before me this 10th day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

Denis McCool recalled, sworn.

Question. For whom did you vote at the last general election for member of Congress?

(Objected to by counsel for incumbent for the reason that witness was not proven to be an illegal voter at the last election.)

Answer. To the best of knowledge I voted the Democratic ticket all the way through.

Cross-examined by counsel for incumbent, with the usual reservations and exceptions:

I cannot read or write; the ticket was not read to me; I got it from James Gildea.

his
DENIS + McCOOL.
mark.

Sworn and subscribed before me this 10th day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

PATRICK DUNLEAVEY sworn.

I live in Kline Township; I voted there at the general election held there November 7, 1876; I was born in Ireland; I am going on twenty-eight years of age; I have been in this country since 1869 in the spring.

(Witness produces a naturalization-paper issued by the court of common pleas of Schuylkill County to one Patrick Dunlevy, paper known as minority-paper, Michael O'Donnell appearing thereon as a witness October 7, 1876.)

This is my naturalization-paper; I did not declare my intention to become a citizen two years before I got this naturalization-paper; I paid a State and county tax in 1876; as far as I can remember I paid it about the 6th October; I paid the tax after I came from Pottsville when I

got my naturalization-paper; I did not pay any other tax within two years of the election.

Cross-examined by counsel for incumbent:

I came to this country under eighteen years of age; I am certain of that; I paid my taxes for 1876 to James Mullen, the young man; my receipt is in evidence in the Fowler-Felthoff case; I cannot tell the date of the receipt; I paid the tax myself; I did not get my paper the same day that I made application; I paid my tax after I went to Pottsville to make application for my paper; it was about three weeks from the time I made my application until I got my paper; I said in my examination that I thought I was going on twenty-eight years of age.

Redirect:

I do not know how long it was before the election till I got my paper; I swore for my paper; I swore for them in Pottsville at the time I made application for my paper; it is true to the best of my knowledge that I swore before the prothonotary, in Pottsville, to my paper on the 7th October, 1876. To the best of my knowledge it was after this occasion that I paid my State and county tax for 1876.

Question. For whom did you vote at the last general election for member of Congress?

(Objected to by counsel for incumbent for the reason that witness has not been proved to have been an illegal voter at the last election.)

Answer. That is something that I cannot tell. I voted the Democratic ticket all the way through.

Cross-examined by counsel for incumbent, with the usual reservations and exceptions:

The receipt that I got from Mr. Mullen I presented to the election-officers when I voted, and my vote was admitted; they required me to present my naturalization-paper. I only went once to Pottsville to make my application; I do not remember the day of the week; I am not certain that it was after I came from Pottsville when I paid my taxes to Mullen; I paid my tax at the same time when I got the receipt. I can read print, and am a poor writer; I did not read the ticket that I voted.

PATRICK DUNLEAVEY.

Sworn and subscribed before me this 10th day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

(Counsel for incumbent agrees that the testimony of Thomas Bannahan, already taken, shall stand, and the objection to his condition on Saturday is withdrawn.)

JOHN O'DONNELL sworn.

I live in Rahn Township; I voted there at the last general election held in November; I have paid a State and county tax within two years previous to the election; I lost my receipts for taxes for 1875 and 1876; I guess I paid my State or county tax to Peter McGee for 1875; I paid my State or county for 1876 to Peter Gallagher; I do not know when I paid that tax; it was about a month before the election, but I am not sure; was born in Ireland; I came to this country in 1862 or 1863; I might be 33, 34, or 35 years old; I have my naturalization-paper with me.

(Witness produces a naturalization-paper, commonly known as a

minority-paper, issued by the court of common pleas of Carbon County to John O'Donnell of Nesquehoning, bearing date October 6, 1868, the names John Devlin and George F. Wallace appearing thereon as witness.)

This is my naturalization-paper; this a copy of my original paper. I lost my first paper.

(There is nothing about the naturalization-paper to indicate that it is a copy.)

I did not declare my intention to become a citizen before I got naturalization-paper.

Cross-examination:

It is true that I came to this country under eighteen years of age. My uncle told me that I was about eighteen years of age when I came to this country. My uncle stood sponsor for me, so he says. I cannot tell how old I am no more than you can. I am not sure what year I came to the country; it must be 1862 or 1863.

Question. How long did you know John Devlin and George F. Wallace at the time you got your naturalization-paper?

(Objected to as immaterial and irrelevant.)

Answer. I do not know, indeed; can't say. I did not know them since I came to this country, although they might have known me.

Q. Where did Devlin and Wallace live when you first met them?

(Objected to as immaterial.)

A. They lived in Mauch Chunk. I was six or seven months at Hazleton before I went to Mauch Chunk. I lived in Carbon County at the time I got out my papers.

Q. For whom did you vote at the last general election for member of Congress?

(Objected to by counsel for incumbent for the reason that the witness has not been shown to have been an illegal voter at the last election.)

A. I can't tell; I voted for James B. Reilly; my intention was to vote the Democratic ticket. I did not open my ticket, and cannot tell who gave it to me.

Q. Do you believe that you fulfilled your intentions?

(Objected to as immaterial and irrelevant.)

A. I cannot say.

Q. From whom did you get your ticket?

(Objected to as immaterial.)

A. I do not know indeed who gave me the ticket.

his
JOHN + O'DONNELL.
mark.

Sworn and subscribed before me this 10th day of February, A. D. 1877.
[SEAL.]

JOHN C. CONRAD,
Notary Public.

PATRICK BOYLE sworn.

I live in Kline Township. I voted in Kline Township at the last election held in November. I go by the name of Patrick B. Boyle in the office, and am known as such. I am about thirty-five years old. I paid a State and county tax for 1876 to young James Mullen; the receipt for the tax is with the commissioner of the Fowler and Felthoff case; I paid it to him the day I got the receipt; don't remember the time; it was about a month before the election, but I cannot exactly say; I don't believe that I paid a tax in 1875. Was born in Ireland. I have my naturalization-paper with me.

Cross-examined:

I do not recollect the date of the receipt which I got from James Mullen; I did present that receipt to the election-officers at the last election, and my vote was admitted.

Question. For whom did you vote at the last general election for member of Congress?

(Objected to by counsel for incumbent for the reason that the witness has not been proven that he was an illegal voter at the last election.)

Answer. I voted the Democratic ticket.

Cross-examined by the counsel for incumbent, with the usual reservations and exceptions:

I cannot read. I did not have the ticket read to me that I voted.

his
PATRICK + BOYLE.
mark.

Sworn and subscribed before me this 10th day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

PATRICK B. BOYLE sworn.

I live in Kline Township. I voted there at the last general election. I am about twenty-five years old. I paid a State and county tax for 1875 to James McBreaty; I never paid it; I spoke to McBreaty about it a month ago, and said that it was not paid; he reminded me of it when I came in his house, and said he would make it all right; I paid no tax for 1876. It was about six o'clock in the evening when I voted at the election.

Cross-examined:

The receipt that I got from James McBreaty I presented to the election-officers; the receipt is with the commissioner in the Fowler and Felthoff case.

Redirect:

Question. For whom did you vote at the last general election for member of Congress?

(Objected to by counsel for incumbent for the reason that the witness has not been proven to have been an illegal voter at the last general election.)

Answer. I cannot tell; I did not know who was on the ticket; I did not read it, and did not open it. I did not know that James B. Reilly's name was on the ticket. I asked for a Democratic ticket and got one from James Gildea.

his
PATRICK B. + BOYLE.
mark.

Sworn and subscribed before me this 10th day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

PATRICK J. BOYLE sworn.

I live in Kline Township. I voted there at the last election. I am between twenty-one and twenty-two years of age; was born in the year 1855. Never voted before the last election; I claimed to vote on age; before voting, I was called inside to take an oath.

Question. Did any one else swear for you or sign an affidavit?

(Objected to as immaterial and irrelevant.)

Answer. No, sir; not to my knowledge. I do not know of any other Patrick J. Boyle but myself in Kline Township.

his
PATRICK J. + BOYLE.
mark.

Sworn and subscribed before me this 10th day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

PATRICK S. BOYLE sworn.

I live in Kline Township. I did not vote at the last election. I am never known as Patrick M. Boyle.

PATRICK S. BOYLE.

Sworn and subscribed before me this 10th day of February, A. D. 1877.
[SEAL.] JOHN C. CONRAD,
Notary Public.

Counsel for incumbent agrees that the evidence of Edward Brennan shall stand as taken on the fifth day of February, 1877, and all objection thereto withdrawn.

At 12.30 adjourned till Monday morning, February 12, 1877, at 9 o'clock.

And now, Monday morning, February 12, A. D. 1877, 9 o'clock a. m.

The exhibits of tax-receipts referredto in the foregoing testimony, taken by me, respectively, viz, Exhibits No. 1, R. T., H. B. Graeff, commissioner; No. 53, R. T., H. B. Graeff, commissioner; No. 51, H. B. Graeff, commissioner; No. 55, R. T., H. B. Graeff, commissioner; No. 56, R. T., H. B. Graeff, commissioner; signed Peter Gallagher, collector; and B B, C C, D D, E E, F F, G G, H H, I I, J J, signed James Mullen, collector; and K K, L L, M M, N N, O O, P P, Q Q, R R, S S, T T, U U, V V, signed James McBreaty, collector, are not attached hereto for the reason that they are not and never have been within my control, but are in the possession of Herman B. Graeff, esq., commissioner, appointed by the court of common pleas of Schuykill County, within said thirteenth Congressional district, to take the testimony in the matter of the proceedings in the said court to contest the election of W. C. Felthoff to the house of representatives of the general assembly of Pennsylvania, which proceeding is still pending.

I have, therefore, made true copies of said exhibits, and attach and return such copies herewith in the place of the originals.

The taking of the testimony at this place closed February 12, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

All interlineations and erasures made in the taking down of the testimony on January 30 and 31, and February 1, 2, 3, 5, 6, 9, and 10, 1877, were made before signing.

[SEAL.] JOHN C. CONRAD,
Notary Public.

Objections of incumbent handed me by Anthony Campbell, esq., his attorney, and attached hereto at his request, and marked "H H 1."

Answer of contestant handed me by J. H. Pomeroy, esq., his counsel, after he had received notice of the filing of said objections by the said Anthony Campbell, esq., and marked "I I 1."

Exhibit J J 1, hereto annexed, is a copy of the subpœna issued by me and served upon witnesses.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, John C. Conrad, a notary public, duly commissioned by the governor of the commonwealth of Pennsylvania, under the laws thereof, in and for the county of Schuylkill, and residing in the thirteenth Congressional district of Pennsylvania, before whom the foregoing evidence was taken, do hereby certify that the foregoing testimony is the testimony of the several witnesses produced and examined on the part of the contestant on the several days the examinations bear date; that before said witnesses were examined they were severally sworn; and that the testimony was reduced to writing by me and duly signed by them, respectively, before me; and that the several exhibits hereinbefore referred to and lettered were severally offered in evidence and are hereto attached.

Witness my hand and official seal, at Tamaqua, in the county and State aforesaid, this 12th day of February, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

HH1.—*John C. Conrad, notary public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

And now, to wit, February the 12th, A. D. 1877, the incumbent excepts and objects to all of the foregoing testimony alleged to have been taken before John C. Conrad, esq., a notary public, in and for Schuylkill County, Pennsylvania, for the following reasons:

First. To all that portion of said testimony that is not confined to the allegations set forth in contestant's notice of his intention to contest said election.

Second. That the foregoing testimony is not a full and true record of the testimony given by the various witnesses sworn by said alleged commissioner; a great portion thereof being the language of the commissioner, proof of which the incumbent claims the right to make.

Third. That the said testimony was not taken in compliance with the provisions of the act of Congress in such case made and provided, in that the officer taking said testimony did not cause the testimony of the various witnesses, together with the questions proposed by the contestant or his attorney, to be reduced to writing in his presence.

JAS. B. REILLY,
By his attorney, A. CAMPBELL.

And now, February 12, A. D. 1877, the incumbent, by his counsel, A. Campbell, files an additional objection to the testimony taken before John C. Conrad, esq., to wit, that the testimony of the witnesses was not read over to them by said John C. Conrad, esq., before the signing of the same.

A. CAMPBELL, *Attorney for Incumbent.*

EXHIBIT I I 1.—*John C. Conrad, notary public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

And now, to wit, February 12, A. D. 1877, in reply to the objections of incumbent:

1. Contestant avers that the testimony taken before said John C. Conrad, esq., at Tamaqua, Pa., so far as the examination of the witnesses-in-chief are concerned, is confined to the allegations set forth in contestant's notice of his intention to contest said election, but that incumbent in many instances cross-examined witnesses upon matters irrelevant, extraneous, and outside of the matter in contest, and not in proper cross-examination of the witnesses, notwithstanding the objections and protests of contestant's counsel made at the time.

2. That the testimony returned by said Conrad is a full and true record of the testimony as given by the various witnesses sworn by said commissioner, all of which was taken down at the time it was given, in the presence of incumbent's counsel, and that no portion thereof is the language of the commissioner.

And he further avers that at no time during the examination of the witnesses did incumbent or his counsel object to the manner of the taking and recording of the testimony as given by the witnesses, and the filing of these objections after the close of this testimony at said place, Tamaqua, is the first notice contestant has of any such objections.

3. The contestant avers that the testimony was taken in compliance with the provisions of the act of Congress in such case made and provided, and denies that the act of Congress requires all the questions propounded to the witnesses must be reduced to writing, and avers that incumbent or his counsel at no time objected to the manner in which the testimony in this respect was taken, and that the questions were reduced to writing whenever it was required by the incumbent or his counsel, or whenever the questions were objected to; and that the incumbent and his counsel conducted the cross-examination of the witnesses in the same manner, and that if it be the true construction of the act of Congress that all questions must be reduced to writing, the incumbent waived his right to question the acts of the commissioner by his silence, his acquiesence, and his adoption of the same course in the cross-examination of the witnesses; and that the incumbent or his counsel now making the objection for the first time and after the taking of the testimony is closed at this place, such objections are unjust and unfair to the contestant and too late.

4. The contestant avers that the testimony of the witnesses was read to the several witnesses before signing, whenever the witnesses required such reading, and in all cases each answer was read to the witnesses immediately after it was written down and before a new question was propounded to the witness.

JAMES L. NUTTING,
By his attorney, WM. R. SMITH.

Copies of exhibits.

EXHIBIT No. 1, R. T.—*H. B. Graeff, Com.*

RAHN TOWNSHIP, [in pencil:] *October* 5, 1876.

Received of Mr. Pat O'Donnell three & $\frac{38}{100}$ dollars, for the following taxes for the year 1876:

Road-tax	$1 05
School-tax	1 50
County-tax	75
County funded-debt tax	8
Total	3 38

PETER GALLAGHER, *Collector.*

The original of the above receipt marked "Exhibit No. 1, R. T., H. B. Graeff, com.," and "John C. Conrad, N. P.," on the back thereof.

EXHIBIT No. 53, R. T.—*H. B. Graeff, Com.*

RAHN TOWNSHIP, *October* 3, 1876.

Received of Gideon Moser eight & $\frac{06}{100}$ dollars, for the following taxes for the year 1876:

Road-tax	$2 38
School-tax	3 40
County-tax	1 70
County funded-debt tax	17
State-tax	40
Total	8 06

PETER GALLAGHER, *Collector.*

The original of the above receipt marked "Exhibit No. 53, R. T., H. B. Graeff, com.," and "John C. Conrad, N. P.," on the back thereof.

EXHIBIT No. 51.—*H. B. Graeff, Com.*

RAHN TOWNSHIP, [in pencil:] *October* 5, 1876.

Received of Mr. Henry Sheckler six & $\frac{75}{100}$ dollars, for the following taxes for the year 1876:

Road-tax	$2 10
School-tax	3 00
County-tax	1 50
County funded-debt tax	15
Total	6 75

PETER GALLAGHER, *Collector.*

The original of the above receipt marked "Exhibit No. 51, H. B. Graeff, com.," and "John C. Conrad, N. P.," on the back thereof.

EXHIBIT No. 55, R. T.—*H. B. Graeff, Com.*

RAHN TOWNSHIP, [in pencil:] *October* 3, 1876.

Received of Mr. William Mechan three & $\frac{38}{100}$ dollars, for the following taxes for the year 1876:

Road-tax	$1 05
School-tax	1 50
County-tax	75
County funded-debt tax	8
Total	3 38

PETER GALLAGHER, *Collector.*

The original of the above receipt marked "Exhibit No. 55, H. B. Graeff, com.," and "John C. Conrad, N. P.," on the back thereof.

EXHIBIT No. 56, R. T.—*H. B. Graeff, Com.*

RAHN TOWNSHIP, [in pencil:] *October* 3, 1876.

Received of Mr. John Bealy three & $\frac{38}{100}$ dollars, for the following taxes for the year 1376:

Road-tax	$1 05
School-tax	1 50
County-tax	75
County funded-debt tax	8
Total	3 38

PETER GALLAGHER, *Collector.*

The original of the above receipt marked "Exhibit No. 55, H. B. Graeff, com.," and "John C. Conrad, N. P.," on the back thereof.

EXHIBIT B B.

KLINE TOWNSHIP, PENNSYLVANIA, ———, 187–.

Mr. HUGH BOYLE:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline, as follows:

County, $0.75: State, $0.08.—Total, $0.83.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES MULLEN, *Collector.*

Received payment of the above taxes, October 6, 1876.

JAMES MULLEN, *Collector.*

The original of the above receipt marked on the back thereof "No. 55.—H. B. Graeff, com.," and "Exhibit B B, John C. Conrad, N. P."

EXHIBIT C C.

KLINE TOWNSHIP, PENNSYLVANIA, *September* —, 1876.

Mr. PATRICK MCBRIDE:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline, as follows:

County, $1.50; State, $0.15.—Total, $1.65.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES MULLEN, *Collector.*

Received payment of the above taxes, October 6, 1876.

JAMES MULLEN, *Collector.*

The original of the above receipt marked on the back thereof "No. 56.—H. B. Graeff, com.," and "Exhibit C C, John C. Conrad, N. P."

EXHIBIT D D.

KLINE TOWNSHIP, PENNSYLVANIA, *September* —, 1876.

Mr. WILLIAM BELINGSY:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline, as follows:

County, $1.50; State, $0.15.—Total, $1.65.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES MULLEN, *Collector.*

Received payment of the above taxes, October 6, 1876.

JAMES MULLEN, *Collector.*

The original of the above receipt marked on the back thereof "No. 48.—H. B. Graeff, com.," and "Exhibit D D, John C. Conrad, N. P."

EXHIBIT E E.

KLINE TOWNSHIP, PENNSYLVANIA, *September* —, 1876.

Mr. JOHN MORAN:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline, as follows:

County, $1.50; State, $0.15.—Total, $1.65.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES MULLEN, *Collector.*

Received payment of the above taxes, October 6, 1876.

JAMES MULLEN, *Collector.*

The original of the above receipt, marked "No. 51 H. B. Graeff, com.," and "Exhibit E E, John C. Conrad, N. P.," on the back thereof.

EXHIBIT F F.

KLINE TOWNSHIP, PENNSYLVANIA, *September* —, 1876.

Mr. PATRICK WALSH:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $1.50; State, $0.15; total, $1.65.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES MULLEN, *Collector.*

Received payment of the above taxes October 6th, 1876.

JAMES MULLEN, *Collector.*

The original of the above receipt marked "No. 59, H. B. Graeff, com." and "Exhibit F F, John C. Conrad, N. P.," on the back thereof.

EXHIBIT G G.

KLINE TOWNSHIP, PENNSYLVANIA, *September* —, 1876.

Mr. CONAL HAGGERTY:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $1.50; State, $0.15; total, $1.65.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES MULLEN, *Collector.*

Received payment of the above taxes October 6, 1876.

JAMES MULLEN, *Collector.*

The original of the above receipt marked "No. 23, H. B. Graeff, com.," and "Exhibit G G, John C. Conrad, N. P.," on the back thereof.

EXHIBIT H H.

KLINE TOWNSHIP, PENNSYLVANIA, *September* —, 1876.

Mr. PATRICK BOYLE:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $1.50; State, $0.15; total, $1.65.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES MULLEN, *Collector.*

Received payment of the above taxes October 6, 1876.

JAMES MULLEN, *Collector.*

The original of the above receipt marked "No. 38, H. B. Graeff, commissioner," and "Exhibit H H, John C. Conrad, N. P.," on the back thereof.

EXHIBIT I I.

KLINE TOWNSHIP, PENNSYLVANIA, *September* 29, 1876.

Mr. JAMES MCNELIS:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $0.75; State, $0.08; total, $0.83.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES MULLEN, *Collector.*

Received payment of the above taxes September 29, 1876.

JAMES MULLEN, *Collector.*

The original of the above receipt marked "No. 1, H. B. Graeff, commissioner," and "Exhibit I I, John C. Conrad, N. P.," on the back thereof.

EXHIBIT J J.

KLINE TOWNSHIP, PENNSYLVANIA, —,187 .

Mr. PATRICK MANLEY:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $0.75; State, $0.08; total, $0.83.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES MULLEN, *Collector.*

Received payment of the above taxes October 6, 1876.

JAMES MULLEN, *Collector.*

The original of the above receipt marked "No. 62, H. B. Graeff, com.," and "Exhibit J J, John C. Conrad, N. P.," on the back thereof.

EXHIBIT K K.

KLINE TOWNSHIP, *September* —, 1875.

Mr. PATRICK BOYLE:

SIR: Take notice that you stand charged in my duplicate of taxes to the township Kline as follows:

County, $——; State $——; total, $0.75.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES MCBREARTY, *Collector.*

Received payment of the above taxes December 15, 1875.

JAMES MCBREARTY, *Collector.*

The original of the above receipt marked on the back thereof "No. 5, H. B. Graeff, com.," and "Exhibit K K, John C. Conrad, N. P."

EXHIBIT L L.

KLINE TOWNSHIP, *September* —, 1875.

Mr. THOS. DONLON:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $——; State, $——; total, $1.50.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES MCBREARTY, *Collector.*

Received payment of the above taxes September 1, 1875.
JAMES BREARTY, *Collector.*

The original of the above receipt marked on the back thereof "No. 14, H. B. Graeff, com.," and "Exhibit L L, John C. Conrad, N. P."

EXHIBIT M M.

KLINE TOWNSHIP, *September* —, 1875.

Mr. JOHN GALLAGHER:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $——; State, ——; total, $0.75.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES McBREARTY, *Collector.*

Received payment of the above taxes September 1, 1875.
JAMES McBREARTY, *Collector.*

The original of the above receipt marked on the back thereof "No. 17, H. B. Graeff, com.," and "Exhibit M M, John C. Conrad, N. P."

EXHIBIT N N.

KLINE TOWNSHIP, *September* —, 1875.

Mr. WILLIAM FERRY:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $——; State, $ ——; total, $1.50.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES McBREARTY, *Collector.*

Received payment of the above taxes October 1, 1875.
JAMES McBREARTY, *Collector.*

The original of the above receipt marked on the back thereof "No. 45, H. B. Graeff, com.," and "Exhibit N N, John C. Conrad, N. P."

EXHIBIT O O.

KLINE TOWNSHIP, *September* 1, 1875.

Mr. JOHN TAMANY:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $——; State, $——; total, $0.75.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES McBREARTY, *Collector.*

Received payment of the above taxes December 15, 1875.
JAMES McBREARTY, *Collector.*

The original of the above receipt marked on the back thereof "No. 54, H. B. Graeff, com.," and "Exhibit O O, John C. Conrad, N. P."

EXHIBIT P P.

KLINE TOWNSHIP, *September* —, 1875.

Mr. BERNARD BURNS:

SIR: Take notice that you stand charged on my duplicate of taxes to the township Kline as follows:

County, $——; State, $——; cow,——; total, $0.99.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES McBREARTY, *Collector.*

Received payment of the above taxes September 1, 1875.

JAMES McBREARTY, *Collector.*

The original of the above receipt marked on the back thereof "No. 60, H. B. Graeff, com.," and "Exhibit P P, John C. Conrad, N. P."

EXHIBIT Q Q.

KLINE TOWNSHIP, *September* —, 1875.

Mr. OWEN GALLAGHER:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $——; State, $——; total, $1.50.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES McBREARTY, *Collector.*

Received payment of the above taxes October 1, 1875.

JAMES McBREARTY, *Collector.*

The original of the above receipt marked on the back thereof "No. 66, H. B. Graeff, com.," and "Exhibit Q Q, John C. Conrad, N. P."

EXHIBIT R R.

KLINE TOWNSHIP, *September* 1, 1875.

Mr. ROGER O'DORNELL:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $——; State, $——; total, $0.75.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES McBREARTY, *Collector.*

Received payment of the above taxes September 1, 1875.

JAMES McBREARTY, *Collector.*

The original of the above receipt marked on the back thereof "No. 52, H. B. Graeff, com.," and "Exhibit R R, John C. Conrad, N. P."

EXHIBIT S S.

KLINE TOWNSHIP, *September* 9, 1875.

Mr. EDWARD COFFEY:

SIR: Take notice that you stand charged in my duplicate of taxes to the Kline Township as follows:

County, $——; State, $——; total, $0.75.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES McBREARTY, *Collector.*

Received payment of the above taxes October 1, 1875.

JAMES McBREARTY, *Collector.*

The original of the above receipt marked on the back thereof "No. 53, H. B. Graeff, com.," and "Exhibit S S, John C. Conrad, N. P."

EXHIBIT T T.

KLINE TOWNSHIP, *September* 1, 1875.

Mr. DENIS MCCOLE:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $0.75; State, $——; total, $0.75.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES McBREARTY, *Collector.*

Received payment of the abeve taxes December 31, 1875.

JAMES McBREARTY, *Collector.*

The original of the above receipt marked on the back thereof "No. 34, H. B. Graeff, com.," and "Exhibit T T, John C. Conrad, N. P."

EXHIBIT U U.

KLINE TOWNSHIP, *September* 1, 1875.

Mr. JOHN M. DEVIT:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $——; State, $——; total, $0.75.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES McBREARTY, *Collector.*

Received payment of the above taxes October 1, 1875.

JAMES McBREARTY, *Collector.*

The original of the above receipt marked on the back thereof "No. 27, H. B. Graeff, com.," and "Exhibit U U, John C. Conrad, N. P."

EXHIBIT V V.

KLINE TOWNSHIP, *September* —, 1875.

Mr. ROBERT DAWSON:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $——; State, $——; total, $1.50.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES McBREARTY,
Collector.

Received payment of the above taxes October 18, 1875.

JAMES McBREARTY,
Collector.

The original of the above receipt marked on the back thereof "No. 26, H. B. Graeff, com.," and "Exhibit V V, John C. Conrad, N. P."

I hereby certify that the foregoing are true copies of the receipts for taxes exhibited and referred to in the foregoing depositions and marked Exhibits No. 1, R. T., H. B. Graeff, commissioner; No. 53, R. T., H. B. Graeff, commissioner; No. 51, H. B. Graeff, commissioner; No. 55, R. T., H. B. Graeff, commissioner; No. 56, R. T., H. B. Graeff, commissioner, signed "Peter Gallagher, collector;" and BB, CC, DD, EE, FF, GG, HH, II, JJ, signed "James Mullen, collector;" and KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, signed "James McBrearty, collector."

That such dates, &c., as are given in lead-pencil also appeared on the originals in lead-pencil.

[SEAL.] JOHN C. CONRAD,
Notary Public.

EXHIBIT W W.—*John C. Conrad, Notary Public.*

UNITED STATES OF AMERICA,
State of Pennsylvania, Carbon County, ss:

Be it remembered that, at a court of common pleas held at Mauch Chunk, in and for the county of Carbon, in the commonwealth of Pennsylvania, in the United States of America, on the eleventh day of October, in the year of our Lord one thousand eight hundred and sixty-nine, John Boyle, a native of Ireland, exhibited a petition praying to be admitted to become a citizen of the United States, and it appearing to the said court that he had declared on oath before the said court, on the eleventh day of October, anno Domini one thousand eight hundred and sixty-nine, that it was *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly to the Queen of Great Britain and Ireland, of whom he was at that time a subject.

And the said John Boyle having on his solemn oath declared, and also made proof thereof agreeably to law by the testimony of Hugh O'Donnell and Chas. Boyle, citizens of the United States, that he had resided within the United States of America upwards of three years next preceding his arriving at the age of twenty-one years, and including the said period of his minority five years immediately preceding his application, and that during the last three years thereof it had been his intention to become a citizen of the United States; and it appearing to the satisfaction of the court that during all that time he had behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and having on his solemn oath declared before the said court that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, and sovereignty whatever, and particularly to the Queen of Great Britain and Ireland, of whom he was before a subject.

Whereupon the court admitted the said John Boyle to become a citizen of the United States, and ordered all the proceedings aforesaid to be recorded by the prothonotary of the said court; which was done accordingly.

In witness whereof I have hereunto set my hand and affixed the seal of the said court, at Mauch Chunk, this eleventh day of October, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-fourth.

[SEAL.] J. H. SIEWERS, *Prothonotary.*

EXHIBIT Y Y.—*John C. Conrad, Notary Public.*

UNITED STATES OF AMERICA,
State of Pennsylvania, Carbon County, ss:

Be it remembered that, at a court of common pleas, held at Mauch Chunk, in and for the county of Carbon, in the commonwealth of Pennsylvania, in the United States of America, on the 5th day of October, in the year of our Lord one thousand eight hundred and sixty-nine, Daniel McCafferty, a native of Ireland, exhibited a petition praying to be admitted to become a citizen of the United States; and it appearing to the said court that he had declared on oath before the said court on the 5th day of October, anno Domini one thousand eight hundred and sixty-nine, that it was *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly to the Queen of Great Britain and Ireland, of whom he was at that time a subject.

And the said Daniel McCafferty having on his solemn oath declared, and also made proof thereof agreeably to law, by the testimony of James Shovlin and Condy Deviney, citizens of the United States, that he had resided within the United States of America upwards of three years next preceding his arriving at the age of twenty-one years, and including the said period of his minority five years immediately preceding his application, and that during the last three years thereof it had been his intention to become a citizen of the United States; and it appearing to the satisfaction of the court that during all that time he had behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and having on his solemn oath declared before the said court that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, and sovereignty whatever, and particularly to the Queen of Great Britain and Ireland, of whom he was before a subject.

Whereupon the court admitted the said Daniel McCafferty to become a citizen of the United States, and ordered all the proceedings aforesaid to be recorded by the prothonotary of the said court; which was done accordingly.

In witness whereof I have hereunto set my hand and affixed the seal of the said court, at Mauch Chunk, this 5th day of October, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-fourth.

[SEAL.] J. H. SIEWERS,
Prothonotary.

EXHIBIT Z Z.—*John C. Conrad, Notary Public.*

UNITED STATES OF AMERICA,
Commonwealth of Pennsylvania, Luzerne County, ss:

In the court of common pleas of Luzerne County, for term of October, anno Domini one thousand eight hundred and seventy-five.

Edward Coffey, an alien, and a native of Ireland, having complied with all the acts of Congress respecting the naturalization of aliens, was sworn and admitted a citizen of the United States and of said commonwealth.

In witness whereof I have hereunto set my hand and affixed the seal of said court, at Wilkesbarre, this first day of October, 1875.

[SEAL.] S. W. TRIMMER,
Prothonotary.

EXHIBIT A A 1.—*John C. Conrad, Notary Public.*

UNITED STATES OF AMERICA,
State of Pennsylvania, Carbon County, ss:

Be it remembered that, at a court of common pleas, held at Mauch Chunk, in and for the county of Carbon, commonwealth of Pennsylvania, in the United States of America, on the 30th day of September, in the year of our Lord one thousand eight hundred and seventy-two, Roger O'Donnell, a native of Ireland, exhibited a petition, praying to be admitted to become a citizen of the United States; and it appearing to the said court that he had declared on oath before the said court, on the thirtieth day of September, anno Domini one thousand eight hundred and seventy-two, that it was *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly to the Queen of Great Britain and Ireland, of whom he was at that time a subject.

And the said Roger O'Donnell having on his solemn oath declared, and also made proof thereof agreeably to law, by the testimony of Dennis O'Donnell and James O'Donnell, citizens of the United States, that he had resided within the United States of America upwards of three years next preceding his arrival at the age of twenty-one years, and including the said period of his minority five years immediately preceding his application, and that during the last three years thereof it had been his intention to become a citizen of the United States; and it appearing to the satisfaction of the court that during all that time he had behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and having on his solemn oath declared before the said court that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, and sovereignty whatever, and particularly to the Queen of Great Britain and Ireland, of whom he was before a subject.

Whereupon the court admitted the said Roger O'Donnell to become a citizen of the United States, and ordered all the proceedings aforesaid to be recorded by the prothonotary of the said court; which was done accordingly.

In witness whereof I have hereunto set my hand and affixed the seal of the said court, at Mauch Chunk, this 30th day of September, in the year of our Lord one thousand eight hundred and seventy-two, and of the Independence of the United States of America the ninety-seventh.

[SEAL.] J. H. SIEWERS,
Prothonotary.

EXHIBIT B B 1.—*John C. Conrad, Notary Public.*

To the honorable the judges of the court of common pleas of the county of Schuylkill:

The petition of Patrick Lafferty, a native of Ireland, respectfully sheweth:

That your petitioner is a free white person and an alien, and is desirous of becoming a citizen of the United States of America; that he has resided within the United States three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that, including the aforesaid three years of his minority, he has resided within the limits and under the jurisdiction of the United States five years and upwards; that your petitioner has been during all that time attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and that it has been *bona fide* his intention to become a citizen thereof.

Your petitioner therefore prays your honorable court that upon taking proof of all matters and things set forth in his petition, and complying with the requisitions of the acts of Congress on this subject, he may be admitted to become a citizen of the United States.

his
PATRICK + LAFFERTY.
mark.

Seligman Morganroth, a citizen of the United States, being duly sworn, doth say that the above-named Patrick Lafferty, with whom this deponent is well acquainted, has resided within the limits and under the jurisdiction of the United States for three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that including the said three years of the minority of the said Patrick Lafferty, he, the said Patrick Lafferty, has resided within the United States five years and upwards; that during the last three years thereof it has been, to the best of the deponent's knowledge and belief, the *bona-fide* intention of the said Patrick Lafferty to become a citizen of the United States; that during all that time he, the said Patrick Lafferty, has behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

S. MORGANROTH.

Sworn and subscribed in open court this 21 day of September, A. D. 186 .

THOMAS J. McCAMANT,
Prothonotary.

PENNSYLVANIA, *Schuylkill County, ss:*

Be it remembered that, at a court of common pleas, held at Pottsville, in and for the county of Shuylkill, the 21st day of September, in the year of our Lord one thousand eight hundred and sixty-eight, personally appeared Patrick Lafferty before the said court, who, upon his solemn oath, did depose and say that he is a native of Ireland, now residing in the county of Schuylkill, aged twenty-five years, or thereabouts, and that it is his *bona-fide* intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject.

his
PATRICK + LAFFERTY.
mark.

Sworn and subscribed in open court this 21st day of September, A. D. 1868.

THOMAS J. McCAMANT,
Prothonotary.

I, Patrick Lafferty, the above-named petitioner, do, on my solemn oath, declare that the contents of my petition are true; that I will support the Constitution of the United States; that I do hereby renounce and relinquish any title or order of nobility to which I am or hereafter may be entitled; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom I was before a subject.

Sworn and subscribed in open court this 21st day of September, A. D. 1868.

THOMAS J. McCAMANT,
Prothonotary.

The foregoing proceedings being had, the said court thereupon admitted the said Patrick Lafferty to become a citizen of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Pottsville, this 21st day of September, in the year of our Lord one thousand eight hundred and sixty-eight, and of the sovereignty and Independence of the United States of America the ninety-third.

[SEAL.] THOMAS J. McCAMANT,
Prothonotary.

EXHIBIT C C 1—*John C. Conrad, Notary Public.*

UNITED STATES OF AMERICA,
State of Pennsylvania, Carbon County, ss:

Be it remembered that, at a court of common pleas, held at Mauch Chunk, in and for the county of Carbon, commonwealth of Pennsylvania, in the United States of America, on the 20th day of July, in the year of our Lord one thousand eight hundred and sixty-eight, James McLaughlin, a native of Ireland, exhibited a petition, praying to be admitted to become a citizen of the United States; and it appearing to the said court that he had declared on oath before the prothonotary of the court of common please of Carbon County, on the 20 day of July, anno Domini one thousand six hundred and sixty-eight, that it was *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly to the Queen of Great Britain and Ireland, of whom he was at that time a subject.

And the said James McLaughlin having on his solemn oath declared, and also made proof thereof agreeably to law by the testimony of William Mulharren and Patrick Burk, citizens of the United States, that he had resided within the United States of America upwards of three years next preceding his arrival at the age of twenty-one years, and including the said period of his minorty five years immediately preceding his application, and that during the last three years thereof it had been his intention to become a citizen of the United States; and it appearing to the satisfaction of the court that during all that time he had behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and having on his solemn oath declared before the said court that he would support the Constitution of the United States, and that he did absolutely and entirely re-

nounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, and sovereignty whatever, and particularly to the ——— ———, of whom he was before a subject.

Whereupon the court admitted the said James McLaughlin to become a citizen of the United States, and ordered all the proceedings aforesaid to be recorded by the prothonotary of the said court; which was done accordingly.

In witness whereof I have hereunto set my hand and affixed the seal of the said court, at Mauch Chunk, this 20th day of July, in the year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-two.

[SEAL.] J. H. SIEWERS,
Prothonotary.

COMMONWEALTH OF PENNSYLVANIA,
County of Carbon:

I, E. K. Stroh, deputy prothonotary of the court of common pleas of said county, do certify that the within is a true and perfect exemplification of the original certificate of naturalization of James McLaughlin within named, as appears by the records remaining in said office, and that J. H. Siewers within named was at its date prothonotary of said court.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Mauch Chunk, in said county, this 22 day of September, A. D. one thousand eight hundred and seventy-six.

[SEAL.] E. K. STROH, *Deputy Prothonotary.*

KLINE TOWNSHIP, PA.,———, 187 .

MR. PATRICK BONER:

SIR: Take notice that you stand charged in my duplicate of taxes to the township of Kline as follows:

County, $0.75; State, $0.08; total, $0.83.

You are required by law to pay the foregoing taxes within thirty days from date.

JAMES MULLEN, *Collector.*

Received payment of the above taxes October 6, 1876.

JAMES MULLEN, *Collector.*

TAMAQUA, *February* 26, 1876.

Received of Mr. Torence Cunningham $3.30 for the following taxes for the year 1874:

County tax, $1.50; school tax, $1.80; $3.30.

H. DONOGHUE, *Collector.*

EXHIBIT J J 1.—*John C. Conrad, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

To JOHN C. CONRAD, Esq.,
Notary Public within said district:

The undersigned, the contestant in the above matter, here makes application to you for writ of subpœna directed to the witnesses to be examined at Shenandoah and Ashland, within said district, in the above matter.

Pottsville, Pa., January 22, 1877.

J. L. NUTTING.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Peter Gallagher, Michael Meloy, Patrick O'Donnell, Charles Boner, John O'Donnell, John McGeehan, Patrick Boner, Peter McGee, Rodger Rodges, Charles Boner, Daniel Boyle, Daniel Dougherty, John B. Gallagher, Hugh McGee, Roger O'Herrin, Robert Gillespie, Peter McGee, James Mullin, James McBrearty, James Mullen, John Gorman, James Mullen, John Boyle, sr., Patrick Walsh, Hugh Boyle, Patrick Manly, Patrick McBride, Peter Cull, Patrick McNelis, George McConnell, Dennis O'Herron, Pat Boner, John McFadden, John Clark, Dennis McCool, Daniel McCafferty, Edward Coffey, Thomas Bannahan, Rodger O'Donnell, Patrick Lafferty, James McLaughlin, Edward Monday, Edward Muldowney, John Moran, William Billingsley, John McDavitt, Edward Brennan, John McCanon, George Hoffman, James Mundy, Luke McCool, John Sherer, John B. Sherer, George Boyle, Thomas McBreen, Terrance Cunningham, Patrick McDermot, Patrick Dolan, Barney McNelis, George Hoffman, Thomas McBreen, James Mundy, John Gorman, Connell Haggerty, Dennis McCool, Patrick Dunleary, Thomas Banihan, John O'Donnell, Patrick Boyle, Patrick Boyle, Patrick J. Boyle, Patrick S. Boyle, Patrick Gallagher, John Schultz:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of William H. Kintzle, (U. S. Hotel), in the borough of Tamaqua, in said county, on Tuesday the 30th day of January, A. D. 1877, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvanin, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said contestant; and you are hereby required to bring with you and produce before me to be given in evidence, your State and county tax receipts for the years 1875 and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 22d day of January, A. D. 1877.

[SEAL.] JOHN C. CONRAD,
Notary Public.

No. 4.

EXHIBIT A.—*Seth W. Geer, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *January* 27, 1877.

SIR: You are hereby notified that in pursuance of an act of Congress

entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D., 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, before Theodore P. Trayer, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Morgan Schwartz, in the borough of Minersville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Wednesday, the thirty-first day of January, 1877, at nine o'clock in the afternoon and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

Jacob Wagnor, John D. Brennan, John Devlin, Lott F. Evans, George Farne, Michael G. Brennan, Michael E. Brennan, John O'Bryan, Elxandria Smith, Lott Evans, jr., Thomas O'Bryan, Patrick Campion, Patrick Eagan, James Devlin, Michael Grant, Michael O'Bryan, Adam Reed, William Mowrey, Joseph Rutledge, James Welsh, Joseph Berner, Hubert Snyder, Patrick McAby, John Ford, Richard Campion, William Dullard, Thomas Bennit, James Eckels, William O'Bryan, Jeremiah Campion, John Hymes, Michael Gleason, Michael E. Brennan, sr., Edward Purcell, Thomas Broderick, Stephen Ryan, James W. Brennan, Patrick Tracey, John Condon, Martin Broderick, Dennis Ford, David Gray, Michael Ryan, John E. Brennan, James Johnson, Matthew Close, Daniel Hennery, Edward E. Brennan, Andrew Duffy, Stephen R. Brennan, William Ablewhite, Daniel P. Ford, John Brennan, sr., Jacob Housman, Samuel Kessler, William Cares, Michael Brennan, Martin Bolan, Andrew Eagan, Patrick Whalen, Daniel Bergen, John Kirby, Patt Dadeen, James Delaney, Joseph Ford, George Mealy, Frederick Kline, Thomas Ryan, John Ryan, Clemes Rech, James McGragh, Thomas H. Brennan, Michael H. Brennan, John Kirby, and Stephen R. Brennan, all of Foster Township, in said county of Schuylkill.

August Pasquarry, Thomas Briggs, John O'Donnell, John Hogan, John Duff, John Whalen, John Quirk, Edward O'Brien, Patrick Cassidy, Charles F. Heims, M. H. Walsh, Mathew Cahill, James O'Connor, Joseph Walsh, Thomas Cummings, Patrick Lawlor, Arthur McManny, James Mahony, Thomas McGuire, Michael Brennan, W. Patrick Ford, Thomas Egan, Wm. Brennan, James Moore, Henry Bambrick, John Moore, Thomas Burns, Edward McGrath, Wm. Fennel, Alleck McDonald, Daniel Consair, Daniel Confair, John Confair, Thomas Conville, John Allen, Thomas O'Connor, William M. Mourtril, Patrick Hughes, Michael O'Connor, James O'Brien, Patrick McGuire, Martin Cahill, James Nash, John Hughes, Edward Delaney, James Adams, John Hobin, Thomas James, Patk. Clancy, James Purcell, William Foyle, William Britt, Martin Prendergast, Richard Hennessy, Michl. Wade, Patrick Wade, William Hunt, David Perkins, Michl. Cahill, Timothy Brennan, Lag Campion, Nicholas McGrath, James Bergan, Thomas Kennedy, Thomas Brennan, B. Oliver Walsh, Benjamin Clace, John Moran, Edward Stapleton, James Nolan, John Curran, Mathew Colo, Michl. Butler, John Wright, Patrick Cavanagh, James Lynch, John Kelly, Bart. Callaghan, Michl. Cantwell, Thomas King, James Murphy, Patk. Cranney, Patk. Adams, Thomas Moores, James O'Connor, Thomas Scully, John Murphy, Patk. Murphy, John Brennan, R. Jeremiah Curran, Patrick

McDonald, Philip Shore, Patrick Close, Cornelius Leary, James Clancy, Edward Clancy, Patrick Cahill, William Condrin, Patk. Coogan, Joe Newell, Andrew Foley, Edward Ryan, Richard Hughes, Michl. Fitzpatrick, William Moore, Michael Shore, Michl. Quinn, Thomas Ryan, William McGee, Thomas Walker, Michl. Brennan, L. Martin Grace, Edward Murphy, Humphrey Horan, Edward Kennedy, George Madden, Michael Brennan, S. John Walsh, George Williams, John Horan, John Bergan, Timothy Reardon, Patrick Ryan, Michael Brennan, James Cavanagh, Lawrence Crennan, William Ryan, William Walsh, Patrick Bergan, William Bowers, William Sweeney, Thomas Brennan, Thomas Coon, Eli Evans, Patk. McDonald John Nash, Patrick Mulhall, Peter McAvoy, Michl. O'Brien, Michl. De Laney, James Grace, Martin McAvoy, William McAvoy, John Purcell, all of North Cass election-district, in said county of Schuylkill.

Owen Omalery, John Lybach, James Butler, Jas. Butler, Richard M. Adams, Nicholas Lybach, Patrick Derrick, William Clark, Nicholas Miller, John Keefer, Wm. Felix, Thomas Davis, George Beck, Thomas Rhodes, Luke McCabe, William McHale, Charles McCanly, John O'Malley, Ephraim Davis, James Connery, Edward Langdon, Owen Reilly, Owen McCormac, Patk. Haggerty, Thomas Moran, Patrick Derer, Nicholas Betz, Henry Miller, Jas. Curran, David Roberts, Jacob Molly, Samuel Berger, John Couchlin, Edward O'Brien, Wm. Dormer, Patk. Langdon, Wm. Lynch, Patk. Hart, Simon Herwig, Thomas Costellow, Joseph O'Donnell, Jeremiah Buggy, Dennis Hickney, Theodore Heilman, Patk. Fadden, Anthony Luddon, James Fadden, John O'Neil, Patk. Curran, Thomas Wood, jr., John W. Morgan, William Cook, Martin Clansy, John Lawlor, Philip Daley, Patrick Langdon, Francis Gallagher, James Black, John Sheaffer, John Adams, Martin Farrell, Simon Stapleton, Michl. McGurl, Patrick Gannon, Peter Zuppert, Michl. Feeney, Patrick Donlavy, Francis Gallagher, John Butler, John Burke, William Purcell, Richard Purcell, Patrick Reilly, Richard Davis, James O'Leary, Vaughns Morgans, Abraham Lynch, Martin Coregan, Thomas Mohan, William Jenkins, John R. Hughs, John Morgans, William Murphy, William O. Davis, William Williams, August Orph, William Prosor, Daniel Anns, Martin Corigan, Thomas Ward, William Madden, John Malley, Thomas Tooler, Michael Kelly, Anthony McHale, John McMichael, James Clark, Edward Edwards, John Fadden, John McKeown, James McKeown, Sebastian Ormmurnter, John G. Schutes, Michael Kelly, Rudolph Gable, Robert Rickerts, James Nesbit, John Hastings, Patrick Dougherty, John Toole, Fred. Hoffman, David Walsh, Lawrence Kelly, Luke Mohan, David Price, JohnR. James, James Brogan, Amlet Haskins, Michael Gavin, Martin Brennan, Michael Feeney, Patrick O'Neil, Patrick Rodgers, Patk. Shortall, Richard Canfield, Martin Cavanah, Patrick Penderghast, John McNelis, Charles McDonald, Philip Clarke, Philip Hummel, John Reilly, James T. Kelly, Joseph Duff, Wm. Doran, Michael Donohoe, John J. Morgan, Daniel McMichael, Patk. McHale, William Shooball, William Gordon, Gotlieb Auba, Daniel Brennan, Martin O'Brien, Benj. Howels, Hugh O'Neil, Patrick Coyle, James Dougherty, James Purcell, Charles Zuppert, Thomas Carroll, M. C. Butler, William Delaney, Patrick Murphy, John Leary, Thomas Gibbon, Thomas Ryan, George Mally, Patrick Haley, James Daniels, George Tracey, Patrick Buggy, Michael Walsh, George Alberts, Samuel Taylor, John Wilcox, William Moorr, John Phillips, Thomas Moore, John Kelly, Anthony Carroll, Denis Conly, Michael Corby, Abram Jenkins, David Hammer, Thomas R. Jones, James Price, Michael O'Neal, Terrence

Reilly, Andrew Kilmurray, Nicholas Schultz, Henry Carsell, William T. Davis, John Reilly, Michael Kelly, 2d, Henry Betz, Patrick Joyce, Edward Foley, John T. Walsh, Edward Brady, Frank Brady, Hugh Brady, James Comeford, John Gallagher, Thomas E. Brennan, Patrick Gannon, Michael Gannon, Daniel Arms, John Murphy, Morgan Havard, George Gilgore, James Doyle, John McGuire, Geo. Burks, Thomas Farrell, Patrick Nalty, Patrick Harkins, Michael Laffy, Joseph O'Neil, Owen Smith, Lawrence Butler, John Failoy, Michael Gavin, Henry Pendergast, Michael Daley, Mathew Quinn, Edward Tobin, Terrence Farley, Richard Penderghast, Patrick Breen, Stephen Trout, Martin Derham, John Arthurs, Dennis Doyle, George Slain, James Lynch, Michael Dormer, Thomas Carrol, John H. Reilly, Frank Gordon, William Breen, John Langdon, William Breen, Patrick Canfield, Martin Murphy, Patrick Barney, Henry Cassidy, Stephen Lane, Thomas Dormer, Thomas Doyle, Patrick Hopkins, John Hart, James Doyle, jr., Edward Curran, Charles Quinn, David Brown, David Hancock, Edward Hockney, Owen O'Malley, Lawrence Murphy, James Tracey, Martin Golden, William J. Bell, William Bell, Thomas Brennan, Martin Fensey, William Bettinger, Martin Muldorn, Terrence O'Brien, William Maley, Martin Kearney, Thomas Thomas, James Brennan, Frank Kearney, Richard Fitzpatrick, Thomas D. Davis, Anthony McHale, James O'Malley, all of South Cass election-district, in said county of Schuylkill.

J. L. NUTTING.

To Hon. JAMES B. REILLY, or JOHN A. NASH, Esq.,
His Attorney.

STATE OF PENNSYLVANIA, *County of Schuylkill, ss:*

Personally came before me, the subscriber, a notary public in and for said county and State, William R. Bowman, who, being duly sworn, says that on the 27th day of January, 1877, at two o'clock in the afternoon, he served the foregoing notice to take depositions upon the said John A. Nash, attorney for said James B. Reilly, by leaving with him, said attorney, personally, a full, true, and complete copy or duplicate thereof.

Also, that at five o'clock in the afternoon he served the said notice upon the said James B. Reilly, by leaving a full, true, and complete copy or duplicate thereof at his usual place of abode, in the borough of Pottsville, by handing the same to his wife and leaving it in her possession.

WM. R. BOWMAN.

Subscribed and sworn to before me this 31st day of January, A. D. 1877.

[SEAL.] SETH W. GEER, *Notary Public.*

In the matter of the contested election in the thirteenth Congressional district of Pennsylvania for a seat to represent said district in the House of Representatives of the United States of America, Forty-fifth Congress.

Depositions of witnesses taken before Seth W. Geer, a notary public in and for said county of Schuylkill and State of Pennsylvania, residing in the thirteenth Congressional district of Pennsylvania, at the public house of Morgan Schwartz, in the borough of Minersville, in the county of Schuylkill aforesaid, on the part of James L. Nutting, contestant, on January 31, 1877.

Counsel present, Charles N. Brunner, esq., for contestant, and John A. Nash, esq., for incumbent.

Charles N. Brunner, counsel for contestant, offers in evidence the notice of taking testimony at this time and place in the above matter Exhibit ——.

John A. Nash, esq., appears for said incumbent, James B. Reilly, without prejudice to any right the said James B. Reilly may have to any exception to the notice served upon said J. A. Nash, as his attorney, or to any informality in the service thereof.

CHARLES QUINN, of South Cass Township election-district, called and sworn on part of the contestant, says:

I live at York Tunnel, South Cass Township. I was born there. I can't say how old I am; they tell me I was born in 1852. I can't say for sure, but I believe I heard my parents say I was born there. To the best of my opinion, I am now in my twenty-fifth year. I paid no State or county tax within two years previous to last November election. I voted at the last election.

Question. For whom did you vote at the last election?

(Objected to by counsel for incumbent, first, the ballot is the best evidence, and parol testimony cannot be given of its contents.)

Answer. I voted the Democratic ticket. I read the county ticket. I believe I read James B. Reilly's name on the ticket as candidate for Congress. I put in the ticket that James B. Reilly's name was on for Congress. His name was on the ticket as a candidate for Congress.

Mr. Nash, reserving all exceptions, cross-examines:

(Counsel for incumbent desires the record to show that the last answer of the witness above was in response to a question by the commissioner. The commissioner or notary states that that part of the answer last put down, as follows, "I put in the ticket that James B. Reilly's name was on for Congress," was in answer to a question by Mr. Brunner, and there being a dispute as to the answer between the counsel, the notary asked the witness whether Mr. Reilly's name was on the ticket he voted for Congress, and the witness answered yes.)

Cross-examination resumed:

I reside now at York Tunnel. I had a tax-receipt at the day of election; it was signed by Anthony McHale, tax-collector. I had it along at the polls. I was not asked for it at the polls. I believe it was dated more than thirty days before the election.

In chief, by Mr. Brunner:

I don't know the date this receipt was given to me. I don't——the date of the day the receipt was given to me; it was given to me on election-day. I don't know who paid for this receipt; I did not.

Cross-examined:

Witness asked by Mr. Nash whether he has been asked to pay for that tax since. Witness says he don't know whether he ought to answer that question as long as he had the receipt.

The receipt I had was for a State and county tax. I don't remember the date of the receipt. I have got the receipt.

CHARLES QUINN.

Sworn and subscribed before me this 31st day of January, 1877.

SETH W. GEER,
Notary Public.

MICHAEL DALEY sworn.

I live in York Tunnel, South Cass Township. I voted at the last election. I paid a State or county tax for 1874.

(Receipt shown, dated Cass Township, December 14, 1874: "Received of Michael Daley one dollar, State, county, and road tax for the year 187 . (In printed figures:) $1. On account. (Signed) J. O'Malley, collector.")

At the time I paid this $1 I made no appropriation of it to any particular tax. O'Malley did not tell me he appropriated it to any particular tax.

(Mr. Nash objects to the last question, which was as follows, "Did O'Malley make any appropriation of this dollar to any particular tax"? answer was, "No, sir." It was objected to as leading, and that the receipt was the best evidence, and that it is a cross-examination of contestant's witness.)

I paid O'Malley no tax in 1875, only, the balance due on receipt shown. I paid no tax to Anthony McHale for 1876. I was born in Ireland. I never became naturalized.

Question. Did you swear before any court in the United States at any time for the purpose of absolving your allegiance from the Queen of England and becoming a citizen of this country?

(Objected to by incumbent as cross-examination of contestant's own witness, and question illegal in its character.)

Answer. No. I came to this country in 1861, and I am now about 50 years of age. I voted at the last election.

Q. For whom did you vote for Congress?

(Objected to on the part of the incumbent. The ballot is the best evidence of how the witness voted, and parol evidence cannot be given of its contents.)

A. I cannot say for whom I voted as candidate for Congress. I voted the Democratic ticket, as I thought. I did not read it.

Q. If James B. Reilly's name was on the Democratic ticket for Congress, then, so far as you know, you voted for James B. Reilly, did you not?

(Objected to as leading and hypothetical, as James B. Reilly has not been proven to have been on the Democratic ticket.)

A. Yes.

Mr. Nash, reserving all exceptions, proceeds to cross-examine:

I had no tax-receipt along with me but that one—receipt referred to above. At the last election there was none asked of me. This receipt is on account of taxes. I paid the balance of those taxes afterward, in the next year. I had a naturalization-paper at the last election. I had none along with me at the election. That naturalization-paper is now at the court up at Mohan's. The commissioner in the contest between James and McKibben has it. That was papers—the papers specified that I was naturalized.

Q. Do you mean to say that you were never in the court-house in your life?

(Objected to by Mr. Brunner, that it is no cross-examination and immaterial.)

A. I was in the court-house, of course. I have been in the court-house in Pottsville. I was on no business there, but just to look on there. I got those papers. They were sent to me at Minersville. I don't know by whom. I got them of Edward Bradley. In 1868 was the date of them. I think the prothonotary's name that was to it was McCamant, or something like that. There was a seal of the court on it, as far as I know. I couldn't make it out plain. I could make out Schuylkill County on it; it was at the bottom of it—a brown seal. I

did not read the ticket that I voted. No person read it for me to my knowledge. I didn't hear it read. If Colonel Nutting's name was on that ticket, I voted for him. I don't know for whom I voted.

In chief, by Mr. Brunner:

Q. To what political party do you belong, Democratic or Republican?

(Objected to by Mr. Nash as irrelevant, and the answer is incompetent to prove for whom he voted.)

A. Democratic. I got my ticket from James Leary.

Q. For whom did you intend to vote for Congress?

(Objected to because intention is no evidence of his act, and witness has already sworn he did not know for whom he voted.)

A. I intended to vote for James Reilly.

Recross-examined:

But I don't know for whom I voted, as I didn't read my ticket, although I intended to vote for Reilly.

MICHAEL DALEY.

Sworn and subscribed before me the 31st day of January, 1877.

SETH W. GEER,
Notary Public.

JAMES BUTLER sworn.

I live near Forestville, South Cass Township. Am about 29 years old to the best of my opinion. I did not pay a State or county tax within two years previous to the last election. I voted at the last election.

Question. For whom did you vote for Congress at the last election?

(Objected to, 1st. Ballot is best evidence. 2d. The vote not having been shown to be illegally cast, the evidence cannot affect the issue and is therefore irrelevant and immaterial.)

Answer. I voted for James B. Reilly for Congress, to the best of my knowledge. I am not positive that I read the whole of my ticket. I believe I read some of it.

Q. Do you remember whether you read the name of James B. Reilly on the county ticket that you voted at the last election?

(Objected to as leading, and subject to former objections.)

A. I am not positively sure of it, but it is very likely I did. I tore the county ticket from the State ticket myself. I am a school-teacher by occupation now.

Mr. Nash, reserving exceptions as before, cross-examines:

I don't know positively whether my State or county tax was paid for me for two years previous to last election or not. I was told so since the James and McKibben contest commenced. I got the tax-receipt for State and county tax before the election; it was sent to me. It is dated October 4, 1876, signed by Anthony McHale, tax-collector of that township. The amount was $1.65. I had not that receipt with me at the election; it was in the house at home—in my father's and mother's house, where I live. I was not challenged for tax at the election.

Re-examined in chief:

I ain't positive how long I got it before the election. I recollect I wrote a note to Mr. McHale from the school to have me a tax-receipt for the election. I don't know the date of the note, but that was the object of it.

JAS. BUTLER.

Sworn and subscribed before me the 31st day of January, 1877.

SETH W. GEER,
Notary Public.

OWEN REILLY sworn.

I live at Forestville, South Cass Township. I was born in Ireland.

Question. How old are you?

(Objected to by Mr. Nash, until the object of the question is shown.)

Mr. BRUNNER. The object is to show that his vote was illegal if he came in the county over age and was not naturalized.

(Objected to, as the evidence is incompetent for the purposes of the offer.)

Answer. To the best of my knowledge I can't rightly say; but to the best of my knowledge I am between 37 and 38 years of age. I did not pay a State or county tax within two years previous to last election. I did vote at the last election.

Q. For whom did you vote for Congress at the last election?

(Objected to by Mr. Nash that the ballot is the best evidence and the contents cannot be proven by parol. 2d. The vote not having been shown to have been illegally cast, the answer cannot effect the issue, and is therefore immaterial.)

A. I don't know, sir.

Q. From whom did you get your ticket?

(Objected to, because the evidence is incompetent and irrelevant.)

A. I got it from Luke McCabe.

Q. State whether or not you voted the Democratic ticket at the last election.

(Objected to by incumbent, as the answer is incompetent to prove whether or not he voted for James B. Reilly for Congress, and for the former objection to this testimony having the same object.)

A. To the best of my knowledge I think I voted the Democratic ticket. I do not read.

Q. If James B. Reilly's name was on the Democratic ticket, then, so far as you know, did you vote for James B. Reilly?

(Objected to, as the question is hypothetical; 2d, the witness has already answered that he don't know whether he voted for James B. Reilly or not.)

A. Yes; if he was on the ticket I voted for him.

Q. Did you intend to vote for James B. Reilly?

(Objected to. The witness's intention is not an evidence of his act, especially as he has sworn he don't know that he voted for James B. Reilly.)

A. Yes, sir.

Cross-examined by Mr. Nash, reserving exceptions as heretofore:

I had a tax-receipt for State and county taxes for 1876, signed by Anthony McHale, collector of State and county taxes for that district. It was dated October 5, 1876. I have it along here.

(Receipt produced dated "Cass Township, October 5, 1876. Received of Owen Reilly, —— dollars 83 cents, State and county tax for the year 1876. Signed, Anthony McHale, collector.")

In chief:

Q. State whether McHale gave you this receipt when it was dated or after the time it was dated.—A. That I cannot say.

Q. Didn't he give it to you about a week after he told you it was ready for you?

(Objected to by Mr. Nash as immaterial.)

A. He met me and asked me whether I had got a receipt, and I told him no; so he told me to call in and he would give me one. It was a week after that he was talking to me that I called in, and he gave it to

me. I did not see him write the receipt. I paid no money for this receipt. I do not know of anybody else having paid any money for me for this receipt.

Recross-examined by Mr. Nash:

I did not read the ticket I voted. No person read it for me. Then I can't swear that I voted for James B. Reilly of my own knowledge.

his
OWEN + REILLY.
mark.

Sworn and subscribed before me January 31, 1877.

SETH W. GEER,
Notary Public.

JOSEPH DUFF sworn.

I live at Jonestown, South Cass election district, in Cass Township. I have not paid a State or county tax within two years previous to last election. From what my parents told me I was two years old in the year 1829; then I am about fifty years old now. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to for same reasons as objections to former questions of similar import to previous witnesses.)

Answer. To the best of my opinion I voted the Democratic ticket all through.

Q. State, to the best of your opinion, for whom you voted for member of Congress at the last election.

(Objected to, 1st, as his opinion of his act is not the proper proof of his act, and the former reasons urged against similar testimony.)

A. I believe James B. Reilly. Young Michael McGurl gave me my ticket.

Mr. Nash cross-examines:

I had a tax-receipt at the last election. I had it along but was not asked for it. It was dated the 2d of October, 1876. I got it from Anthony McHale. It was for State and county tax. I think it was for 85 cents, sir. I did not read my ticket. I won't say for sure it was read to me, but I think when I got it I asked if James B. Reilly's name was on it, and they told me it was, though I won't say for sure, but I think they did. I think they read his name. James B. Reilly was the only man I asked for in particular, and I think they read me his name. I can't read the ticket, and so I don't know of my own knowledge whether I voted for Reilly or not, but I don't think they did that. If I was to ask you for a ticket you would not give me the wrong one, and I don't think they did.

his
JOSEPH + DUFF.
mark.

Sworn and subscribed before me the 31st day of February, 1877.

SETH W. GEER,
Notary Public.

PATRICK LANGTON sworn.

I lived at York Tunnel, in South Cass election district. I was born in Ireland. I came to this country in 1848.

Question. What month, Mr. Langton?

(Object of this evidence is to show that the naturalization-paper of

witness was obtained by imposition upon the court that issued it, it being a fraudulent naturalization-paper, and that the witness is not a legal voter.

Objected to by Mr. Nash because it is not proposed to show that the signature of the prothonotary and the seal of the court are not genuine—paper is conclusive of his right to vote; 2d, that this being a collateral issue, whether the paper or the decree of naturalization was obtained by fraud or imposition cannot be inquired into; until it is set aside by the court that issued it, it is conclusive evidence of its contents.)

Answer. It was in the month of November; I can't say what date. It was in 1851 or 1852 that I got my first paper.

Q. You swore last week in the James *vs.* McKibben contest as follows: "I think it was the year after I came to this country that I got my first papers." Now state how long after you came to this country was it that you got your first papers.

(Objected to as cross-examination of contestant's own witness; 2d, contestant has no right to read to him what he swore to in any other issue for the purpose either of refreshing his memory or of contradicting him, or for any other purpose.)

A. I brought the copy of it out from Pottsville, and there it is. Look at it. What I said last week I can't remember now. I paid a State or county tax myself, in cash, within two years last past. I paid it to James O'Malley, at his own house, on the day of election, I think, in 1874. He collected the taxes for two years. The first year I paid him; the second year I did not. He did not come to collect from me, nor I didn't go to the polls. I am a bad one at recollecting, but whatever two years he collected for I paid him the first year and the second I did not. The year I did not pay him for is the year I did not vote.

(This answer is objected to by Mr. Nash because the question is leading.)

I did not pay a State or county tax to Anthony McHale, but I told him I would pay it.

Q. Was Anthony McHale tax-collector for last year, the year 1876?

(Objected to by Mr. Nash as immaterial, because witness has answered to a question of contestant that he had paid a State and county tax within two years, and by that answer he is concluded.)

A. If he got the duplicate for that year he was.

Q. Who was the collector for Cass Township for the year before last?

(Objected to for same reasons as to previous question.)

A. Last year I suppose it was McHale, and I suppose it was James Moley for the year before last.

Q. You have already stated that you paid no tax for last year to Anthony McHole; now state whether you paid any to James O'Mally for the year before last, which was 1875.

(Objected to, for same reason as before; it is a cross-examination.)

A. I know the first year James O'Malley was the collector I paid him, but the second year I didn't go to the polls, and he didn't bother me, and I didn't go to pay him. If he was collecting the first time he was the collector for 1875 I paid him for that year, but if he was collector the first time in 1874, then I paid him in 1874.

Q. Then if you paid him in 1874 you did not pay him in 1875?

(Objected to; question is hypothetical, and for the same reason as above.)

A. No.

Q. If you paid no tax to Anthony McHale in 1876, and you only paid tax to James O'Malley on the election-day of the first year that he was

collecting taxes, and did not pay O'Malley any taxes for the second year he was collecting State and county tax, then do you now swear that you paid a State or county tax within two years before last election?

(Objected to by Mr. Nash on the ground that this is a cross-examination for the purpose of contradiction of contestant's own witness, who has already sworn that he paid a State or county tax within two years prior to last election, by which answer contestant is bound.

Contestant's counsel wishes to note that this witness is an unwilling witness, and answers evasively and prevaricates throughout his whole testimony.

Counsel for incumbent desires to note that his answer that he had paid tax within two years was not evasive, but was a direct answer to a direct question.)

A. I have neither day nor date for the time I paid any tax except the receipt I got from McHale here before the last election. I went to his house on my way home from Minersville, and I got the receipt. I told him I had no money now, but as I got it I would give it to him. I kept no memorandum of the date I paid the tax to O'Malley.

Q. If the election in 1874 was in the same month and the same day of the month as the election of 1876, did you pay a State or county tax within two years before the election of 1876?

(Objected to by Mr. Nash for the same reason as to previous question, and as based upon a hypothesis not true in fact.)

A. It would seemingly be so, provided I voted. I voted before or after 12 o'clock. It would seem to me I did.

Q. If more than two years had elapsed between the election day of 1874 and the election-day of 1876, did you pay a State or county tax within the two years between said elections.

(Objected to for the reasons given in the objections to the next preceding question.)

A. Certainly not, if there was more than two years between the two.

Q. Did you pay a State or county tax between the election in 1874 and the election in 1876?

(Objected to as leading and immaterial, as he has already proven payment of a State and county tax within two years.)

A. I cannot immediately tell you how this was, but I will tell you the reason why. I never could vote at the poll without having paid my tax. Mr. Kelly and Mr. Somebody made me swear for the two years previous. Since I would not vote the labor reform, they would not let me vote unless I paid my tax. I don't know whether this is the whole answer I have to make to that question or not.

(Question reread to witness.)

A. To the best of my knowledge, I did.

(Mr. Brunner states to the witness that if he insists upon swearing to one thing one minute and to another another minute, he will have witness arrested for perjury, which Mr. Nash insists upon having put upon the notes of evidence, and insists that the evidence is consistent throughout. Witness answers:)

I wish you would put me to jail; there I would have something to eat, anyhow; for I see nothing here, only pen, ink, and paper, to use.

(Mr. Brunner requests notary to read to witness the last two questions and the last two answers.

(Mr. Nash makes same objections as to the last two questions.)

Q. You have first sworn that if more than two years elapsed between the election in 1874 and the election in 1876, then you certainly did not

pay a State or county tax within that time; you afterward swore that, to the best of your opinion, you did pay a State or county tax between the election in 1874 and the election in 1876. Now, which of these answers is true.

(Objected to by Mr. Nash as a cross-examination of contestant's own witness.

This witness is withdrawn for the present by the contestant for the purpose of permitting him to have time to refresh his recollection and explain his discrepancy.

For above reason incumbent declines to cross-examine, reserving the right to cross-examine when recalled.)

Adjourned for one hour.

At 8.45 p. m. resumed; parties present as before.

Patrick Langton recalled.

Question. You have sworn that the last State and county tax you paid was paid to James O'Malley on the election-day in the first year that said James O'Malley was collecting taxes, which was the year 1874; is that statement correct?

(Objected to by Mr. Nash for same reasons as to former questions of similar import.)

Answer. Yes; that I did do so at that time, but what year that was for I couldn't immediately say.

(Mr. Brunner here shows witness calendar for year 1874, showing that the Tuesday after the first Monday in November of 1874, which was election that year, fell on the 3d day of November, and as the election for 1876 fell on the 7th day of November, two years and four days had elapsed between the two elections, and now asks witness as follows:)

Q. Do you now swear that you paid a State or county tax within two years before the election of 1876?—A. I say that I paid a State and county tax to James O'Malley on the election-day in 1874, and that is the last State and county tax I paid excepting on this receipt shown; I didn't pay anything on this receipt; I didn't meet him to pay it or I would have paid it.

Q. When did you get this receipt from McHale?

(Objected to by Nash: first, the time when he got the receipt is immaterial; the receipt itself is evidence of payment and the time of payment.)

A. I couldn't say when I got this receipt; I am a bad one to remember; no one else has paid this tax to my knowledge; I never wanted any one to pay my tax.

(Receipt dated "Cass Township, October 5, 1876. Received of Pat Langton 28 cents, State and county tax for the year 1876. (Signed) Anthony McHale, collector.")

I voted at the last election.

Q. For whom did you vote for Congressman at the last election?

(Objected to by Mr. Nash. The ballot is the best evidence, and parol evidence cannot be given of its contents. The ballot not having been shown to have been illegally cast, the answer cannot affect the issue, and is therefore irrelevant and immaterial.)

A. The full Democratic ticket was the one I intended to vote, and I voted the one I got for that. I am not in the habit of reading and I didn't read it. I never split the ticket, and I voted the whole ticket this time to the best of my knowledge.

Cross-examined by Mr. Nash:

I did not read the ticket I put in. I didn't hear them read the ticket

I voted. I got two of them. I heard them read some of the tickets. I can't say that I did not hear the ticket I voted read. I was pretty sure that it was the right ticket which I got. Certainly I don't really know of my own knowledge who I voted , but I am pretty sure I voted the whole Democratic ticket; I intended to vote it. I had this tax-receipt that McHale gave me before the last election. I was not challenged for taxes, but I pulled out the receipt at the window and showed it to the man at the window, and he said it was all right.

Redirect:

Have you a ticket now like the one you voted at the last election?

(Objected to by Mr. Nash as leading, cross-examination, and is immaterial. Ticket produced by the witness.)

Q. Did you vote a ticket having the same Congressman on as this ticket?

Answer waived.

his
PATRICK + LANGTON.
mark.

Sworn and subscribed before me the 31st day of January, 1877.

SETH W. GEER,
Notary Public.

PATRICK DOUGHERTY sworn.

I live at Mine Hill Gap, South Cass election-district. I don't know whether I paid a State or county tax within two years prior to last election. I didn't pay on this (showing McHale's receipt, dated October 6, 1876, for State and county tax). I paid a State and county tax myself in 1874 to James O'Mally. I paid him $4.50 for State, county, and road tax.

Question. You swore at the James-McKibben contest last week that you paid no State or county tax within two years preceding last election. Was that true as you swore to then?

(Objected to by Mr. Nash: 1st, that the receipt for tax about which contestant is examining the witness is in the hands of contestant; 2d, the receipt of the tax about which he is examining being in existence, it is the best evidence in regard to its payment; 3d, counsel for the contestant on direct examination has no right to read notes of an examination in a totally different matter and ask the witness if the statements contained therein are true; and, 4th, that it is an examination of a witness produced by contestant himself.)

Answer. I don't know how it was. I got that receipt in my pocket-book and I took it along to-night, and I don't know whether it was paid within two years or not. I was born in Ireland. I was going on 17 years old when I came to this country. I came in August, 1864. On the 17th August, 1864, I landed in Minersville.

Q. When was you born?

(Objected to by Mr. Nash. Asking the object, Mr. Brunner states the object to be to show that if he voted at the last election it was an illegal vote on the ground of his citizenship. Objected to, as the evidence is incompetent to prove the offer.)

A. I can't tell when I was born; I can't tell about when; that is for you to find out. I can read a little; I can add and subtract in figures.

Q. You have told us you was going on 17 years of age when you came to the country, and you have told us the year you came to the country. Do you now swear that you can give us no idea as to about the time you were born?

(Objected to by Mr. Nash, because a cross-examination of witness produced by contestant; 2d, witness has already sworn that he was 17 years of age when he came to this country, and by that answer contestant is precluded; and, further, the evidence is immaterial.)

A. No, sir; I cannot. I never saw a record of my birth. I never heard my parents or any of my family say anything about the time I was born, that I know of. Nobody ever told me about the time when I was born.

Q. Then how do you know you were 17 years old when you came to the country?

(Objected to by Mr. Nash for same reason as above stated.)

A. Because there was a cousin of mine—an aunt of mine—here at Primrose told me I was 17 years old when I came to the country. I meant an aunt of mine when I said cousin. She told me that when I landed here in Minersville in 1864. That aunt's name is Honora Dougherty. She is not married to my father's brother—she is married to a man by the name of Kelly. She is my father's sister. I did not know her in the old country. Her husband's name is Michael Kelly, at Primrose, Cass Township. I guess I am going on 27 or 28 years of age now. Anybody can tell you how old I am now. I am going on 28 years of age now, I guess. I was naturalized.

(Paper produced—certificate of naturalization. All of the above evidence was taken subject to objection above stated.)

Q. How long have you known James Murphy? This is for same object as above stated, to show the vote was illegal by reason of witness being illegally naturalized.

(Objected to by Mr. Nash because it relates to a certificate of naturalization not in evidence, and is cross-examining in character; second, in this collateral issue this certificate is conclusive, it not being alleged, the paper itself is not genuine.)

A. Have known James Murphy ever since I came to the country. I became acquainted with him at Primrose. I did not come to this country with my parents; I came over on my own hook. I had one brother younger than me in Ireland when I left there. He was five or six years younger than me. I told you he was going on six years when I left; five or six, I said. You asked me how old my brother was when I left Ireland, and I told you five or six years; it is for you to find out the difference between my age and my brothers'. I won't tell you.

Q. What was the difference between your age and your brothers' when you left Ireland?

(Objected to because incompetent under the last offer, and is immaterial.)

A. I won't answer that question, because I can't answer it.

Q. You have sworn that you were 17 years of age when you came to this country, and that when you left Ireland your brother was five or six years of age when you left Ireland, do you now say on your oath that you cannot tell the difference betwen your age and your brothers'?

(Objected to for the foregoing reasons.)

A. No, I cannot. I cannot tell the difference in our ages within two or three years, nor within five years. I cannot tell the difference between my age and my brothers' within ten years. I cannot tell the difference within fifteen years.

Q. You have sworn that you were 17 years old when you left Ireland, and at that time your brother was five or six years old; do you now still say on your oath that you can't tell the difference between your age and that brother within fifteen years?

(Objected to for same reason as before.)
A. I said no before, and I still say no.

Cross-examined by Mr. Nash.

Witness shown receipt as follows:

"CASS TOWNSHIP, *November* 19, 1874.

"Received of Patrick Dougherty, four dollars fifty cents, State, county, and road tax for the year 1874.

"$4.50.

"J. O'MALLY, *Collector*."

I paid the tax mentioned in this receipt at the time it is dated.

Witness also produces tax-receipt dated October 6, 1876.

"CASS TOWNSHIP, *October* 6, 1876.

"Received of Pat. Dougherty one dollar sixty-five cents, State and county tax for the year 1876.

"ANTHONY MCHALE, *Collector*."

PAT. DOUGHERTY.

Sworn and subscribed before me January 31, 1877.

SETH W. GEER,
Notary Public.

JOHN LEIBAUCH sworn.

I live in Jonestown, South Cass election-district. I paid no tax. Last election is the first time I ever voted. I was born in 1852, 31st of October. I will be 25 years old the 31st day of next October. I never paid a State or county tax. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected by Mr. Nash. The ballot is the best evidence.)

Answer. I voted the whole democratic ticket.

Q. Can you tell whether or not you voted for James B. Reilly for Congressman.

(Objected to in addition to foregoing reason as a leading question.)

A. Yes, sir; to the best of my knowledge, I think I did. I did not read the whole of my ticket; just the heading.

Cross-examined by Mr. Nash:

I had a tax-receipt on the day of the election for State and county tax; yes, sir. I think it was for 83 cents, signed by Anthony McHale, collector. It was dated the 6th day of October, 1876. I was challenged for taxes. I showed this receipt, and they inspected it, and then took in my vote. I think I did read James B. Reilly's name on the ticket I voted. That is the first vote I ever had.

Redirect:

I got the receipt from Anthony McHale on election-day that I voted. I paid no money for the tax-receipt.

JOHN LEIBAUCH.

Sworn and subscribed this 30th day of January, 1877.

SETH W. GEER,
Notary Public.

Adjourned till nine o'clock to-morrow morning, February 1, 1877.

FEBRUARY 1, 1877.

Examination resumed; present, C. N. Brunner, esq., for contestant, and John A. Nash, esq., for incumbent.

MICHAEL GAVIN, sr., sworn.

I live at Jonestown, South Cass election-district. I was born in Ireland. I don't know my age rightly; think I am over fifty-seven. Indeed I don't know how old I was when I came to this country.

(Mr. Nash asks contestant to state the object of the evidence.

Mr. Brunner is to show that witness is not a citizen of the United States of America.

Objected, that the proper way is to show he has no certificate of naturalization; that if there be such a certificate it cannot be impeached in this way, but is conclusive until set aside by the court issuing it. This objection to apply to all other questions to this witness for that purpose.)

I can't tell you about how old I was when I came to this country; can give you no idea. I was over twenty-one years of age when I came to this country. I never swore before any court in the United States more than once in reference to my naturalization-papers. I did vote at the last election.

Question. For whom did you vote for member of Congress at the last election.

(Objected to by Mr. Nash. The ballot is the best evidence. The ballot not having been shown to be illegally cast the evidence cannot affect the issue; is therefore irrelevant and immaterial.)

Answer. I voted the Democratic ticket at the last election.

Q. If you know, state whether you voted for James B. Reilly or James L. Nutting for Congress.—A. I don't know, indeed; I couldn't read my ticket and can't say what was in it. I don't know which of the parties I got my ticket from.

Q. State whether, so far as you know, you voted the whole Democratic ticket.

(Objected to, first, for the reasons above stated; second, the witness has already sworn that he don't know whether he voted for Reilly or Nutting for Congress; this is therefore a cross-examination.)

A. Yes.

Mr. Nash reserving, as heretofore, proceeds to cross-examine the witness:

I have a naturalization certificate; I got it from the court in Pottsville; they kept it up at Mohan's last night. I can't say whether it has a seal of the court or not; that is the paper I have been voting on. They kept it up at the contest of James *vs.* McKibbin. I can't read; did not read my ticket. No person read it for me. Then I only know it was the Democratic ticket, because some person told me so.

his
MICHAEL + GAVIN, SR.
mark.

Sworn and subscribed before me the 1st day of February, 1877.

SETH W. GEER,
Notary Public.

MICHAEL DORMER sworn.

I live at Black Heath, South Cass election-district. I was born in Ireland. I never got any certificate of naturalization. I got my father's papers. I have them with me. (Shows certificate.) I am about thirty-five years of age. I voted at the last election. I did not present this certificate at any time when I voted in Cass Township. It was never asked from me. I have paid a State or county tax within two years before last election.

(Receipt shown, dated Cass Township, November 20, 1874.)

"Received of Michael Dormer three dollars, State, county, and road tax for the year 1874.

"J. O'MALLEY, *Collector*."

That is the only State and county tax I paid within two years previous to last election.

Q. For whom did you vote for Congress at the last election?

(Objected to on same grounds as to same question to last witness.)

A. I do not know, sir.

Q. State whether you voted the Democratic or the Republican ticket at that election.

(Objected to by Mr. Nash, for same reasons as to above question.)

A. I think I voted the Democratic ticket. I got the ticket I voted from Anthony McHale. I did not read my ticket.

Q. State whether or not, so far as you know, you voted for James B. Reilly for member of Congress.

(Objected to by Mr. Nash for same reason as above, and because witness has sworn he did not know who he voted for for Congress, and therefore has no knowledge upon the subject.)

A. I do not know, sir.

Q. Do you know that you did not vote for James B. Reilly for Congress?

(Objected to for same reasons as last above stated, and for the reason it is cross-examination in character.)

A. I don't know who was on the ticket.

Q. For whom did you intend to vote for Congress?

(Objected to same as above, and intention is no evidence of his act, the ballot being the only evidence.)

A. I intended to vote for James B. Reilly for Congress.

Mr. Nash, reserving all exceptions, cross-examines the witness:

My father was a naturalized citizen, and this is a certificate of his naturalization. (Certificate produced, dated 6th September, 1852, signed by John Harlan, prothonotary of Schuylkill County.) I claim to be a citizen by virtue of my father's naturalization. I was a boy when my father was naturalized. I was in the country at the time he was naturalized.

MICHAEL DORMER.

Sworn and subscribed before me the 1st day of February, 1877.

SETH W. GEER,
Notary Public.

Adjourned to meet at 1.30 p. m. to-day.

And now, February 1, 1877, 2 o'clock p. m., no one appearing on part of the incumbent, and contestant's counsel requesting to proceed, contestant calls—

ANTHONY CARROL sworn.

I live in Patten's Valley, South Cass election-district. I am about 65 or 66 years old. I was born in 1811. I have not paid a State or county tax within two years previous to last election. I voted at the last election. I paid tax for 1876, but it was after the election in 1876. I voted the Democratic ticket at the last election whatever was on it; I did not read the ticket. Anthony McHale gave me the ticket I voted. I asked him for the Democratic ticket. I did not read my ticket, and nobody read it for me; as far as I know I suppose I voted for James B. Reilly for Congress at the last election.

his
ANTHONY + CARROL.
mark.

Sworn and subscribed before me February 1, 1877.

SETH W. GEER,
Notary Public.

JOHN F. GALLAGHER sworn.

I live at the Delaware South Cass Township. I have not paid a State or county tax within two years previous to last election. I did vote at the last election. I voted for the Democratic ticket; I voted the full Democratic ticket. I am going on twenty-seven years of age. I voted for James B. Reilly for member of Congress at that election.

JOHN F. GALLAGHER.

Sworn and subscribed before me February 1, 1877.

SETH W. GEER,
Notary Public.

WILLIAM MCHALE sworn.

I live at Jonestown, in South Cass election-district. I was born in Ireland. I will be 32 years old on the 17th day of next November. I came to the country on the 20th of April, 1864; I was 18 years and 5 or 6 months old when I came to the country. I got my last papers in 1872.

Mr. Nash here came to cross-examine:

I paid a State or county tax within two years previous to last election. I have paid my State and county tax for 1874 and 1875; I can't tell the date I paid the tax for 1874; I paid it to O'Malley some time in January, and I can't say whether it was in 1874 or 1875, but I paid it in January. I don't know whether I had the 1874 receipt when I voted in 1874, but the tax paid for which the receipt I have here, dated January 18, 1876, is the last tax I paid. Whatever year I paid the tax of 1874 in I paid it in January; I believe it was the month of January; I know it was in the month of January, because I think it was after Christmas I paid it. I voted at the last election.

Question. For whom did you vote at the last election?

(Objected to, for reasons that were stated to similar questions to former witnesses.)

Answer. I voted the full Democratic ticket. The name of James B. Reilly was on that ticket.

(Receipt dated January 18, 1876, as follows:)

"CASS TOWNSHIP, *January* 18, 1876.

"Received of William McHale one dollar and fifty cents, State and county tax for the year 1875.

(Signed) "J. O'MALLEY, *Collector*."

This is the last tax I paid.

Cross-examined by Mr. Nash:

I paid the 1874 taxes to J. O'Malley; I paid road and State and county tax for 1874 to Jos. O'Malley, $4.50. It was paid in January, 1875, for 1876. I read my ticket that I voted. I read James B. Reilly's name on it.

WILLIAM MCHALE.

Sworn and subscribed before me February 1, 1877.

SETH W. GEER,
Notary.

By permission of contestant's counsel, JOHN F. GALLAGHER called by counsel for incumbent, for cross-examination.

By Mr. Nash:

I say I have not paid a State or county tax within two years. I had a receipt for State and county tax before last election.

Receipt produced, dated as follows:

"CASS TOWNSHIP, *September* 5, 1876.

"Received of Jno. F. Gallagher, fifty-five cents for State and county tax for the year 1876.

(Signed) "ANTHONY McHALE,
"*Collector.*"

I was not challenged for taxes that day. I had that receipt with me at the polls. I did not show it. No one ever requested it of me. At the time I received that receipt the understanding between me and Anthony McHale was it was all right. McHale said at the time I received that receipt that the taxes were all right.

Redirect:

I got this receipt from McHale some time in October, but the date I cannot say. I can't tell how many weeks before the election I got it. It may be three weeks before the election I got it.

Question. State whether or not there was any consideration ever passed from you to McHale for that receipt?

(Objected to by Mr. Nash; the receipt is the evidence of its payment and the time of payment.)

Answer. I did not give him any money nor anything else for that receipt.

Recross-examined:

I did not read the ticket I voted, and nobody read it for me. So far as my own knowledge is concerned I think I voted the Democratic ticket. The ticket I received from Anthony McHale and I went to the window and throwed it in. I took it that it was the Democratic ticket, and I only know that Reilly's name was on the ticket because I took it as the Democratic ticket; and I only know it was the Democratic ticket because I got it from Anthony McHale. I don't remember whether Anthony McHale told me it was the Democratic ticket or not.

JOHN F. GALLAGHER.

Sworn and subscribed before me February 1, 1877.

SETH W. GEER,
Notary Public.

Anthony Carroll recalled by incumbent for cross-examination, by consent of contestant's counsel.

I had no tax-receipt at last election. I got a tax-receipt from McHale, but it was since the election. I have that receipt here. (Receipt produced.)

"CASS TOWNSHIP, *October* 2, 1876.

"Received of Anthony Carroll, twenty-eight cents State and county tax for the year 1876.

"ANTHONY McHALE,
"$0.28. *Collector.*"

Question. Didn't you pay this tax mentioned in this reecipt, or have some arrangement made for its payment, before the election in November last?

(Objected to by contestant's counsel, that although witness was called

by contestant yet he is called to prove his own fraud, and is therefore antagonistic to the party calling him; and as the question is leading and suggestive of an answer by which witness might purge himself, the question is illegal and unfair.)

Mr. Nash replies that the witness is not antagonistic, but is in point of law in their favor; the question before Congress is not the purgation of the witness, but the right of a member to his seat.

Answer. No, sir; I never made any arrangement about it until the time I paid it, and then he gave me the receipt; he told me the day I paid it that he had had the receipt drawn before the election. I paid James O'Mally no taxes while he was collector. I did not read my ticket I voted; nobody read it for me.

Redirect:

I paid McHale the taxes on the receipt shown, on the 15th or 16th of January, 1877.

his
ANTHONY + CARROLL.
mark.

Sworn and subscribed before me February 1, 1877.

SETH W. GEER,
Notary Public.

PATRICK HEALY sworn.

I live at Black Heath, South Cass election-district; I am about 58 years of age; I have not paid a State or county tax within two years previous to last election; I voted at the last election; I read my ticket.

Question. For whom did you vote at the last election for Congress? (Objected to, for the same reasons as given to same question to former witnesses.)

Answer. I voted the Democratic ticket. I don't recollect the men's names on the ticket, but I remember the name of James B. Reilly.

Cross-examined by Mr. Nash:

I read some of the ticket; can't say whether I read it all or not; yes, it appears to me that I read Reilly's name on the ticket; I don't recollect to have read James L. Nutting's name on it; I might, but I don't recollect of it; I suppose perhaps his name was not on it. It was a Democratic ticket; it was presented to me as the Democratic ticket; therefore I voted it, all that was on it. I have a tax-receipt in December, 1876; dated December, 1876, the 14th day. I did not pay James O'Mally any tax for 1874, though I have a receipt for it. I paid no tax in 1875, and none was paid for me to my knowledge; I never had any receipt for taxes of 1875.

Redirect:

Receipt shown by witness, dated Cass Township, September 18, 1876, as follows:

"Received of Patrick Haly, 25 cents, State, county, and road tax for the year 1874.

"J. O'MALLY, *Collector.*"

PATR. HEALY.

Sworn and subscribed before me February 1, 1877.

SETH W. GEER,
Notary Public.

FRANCIS GALLAGHER, jr., sworn.

I live at Forestville, South Cass election-district. I am over 23 years

of age. I have not paid a State or county tax previous to last election. I voted at last election.

Question. For whom did you vote for Congress at the last election?

(Objected to, for the reasons heretofore urged to same question to former witnesses.)

Answer. I voted the Democratic ticket; I know it was a Democratic ticket, because it was given to me as a Democratic ticket; James Butler gave it to me; James Butler, of Minersville, gave it to me.

Q. Did you read the name of James B. Reilly on the ticket?

(Objected, in addition to former reasons, that it is leading and suggests the answer.)

A. No, sir; I did not. I did not read my ticket at all. James Butler he read it to me.

Q. Did you hear him read the name of James B. Reilly on it?

(Objected to for former reasons, and the question is leading in character, and the question is hearsay in its nature.)

A. I can't exactly say now whether I heard him read James B. Reilly's name on it or not. I heard read it all, but I forget whose name was on it. I knew at the time James B. Reilly was running for Congress.

Q. Did you know on what ticket he was running?

(Objected for former reasons and it is immaterial. Especially as witness has sworn he did not know who was on the ticket he voted.)

A. I did not know whether Reilly was running on the Democratic or Republican ticket. I can read. Don't read the newspapers much. I never read anything about James B. Reilly being a candidate for Congress. May be I did hear about James B. Reilly being a candidate for Congress. I don't know. I am an engineer. I run a breaker engine. I can write. I never read any of the tickets that were voted for at last election.

Q. Do you know whether James B. Reilly is Congressman now?

(Objected to because question is leading and evidence immaterial to his issue.)

A. I don't think he is. I don't know, though. I don't know that he ever was Congressman. I can't tell how long I have been attending school. I have been going to school from the time I was about seven or eight years old till I was about fifteen years of age, I guess. Was born at Forestville, Schuylkill County. I heard people talking about James B. Reilly being a candidate for Congress at the last election.

Q. When you voted at last election did you intend to vote for James B. Reilly?

(Objected to, because his intention is no evidence of his act, especially as he has already sworn in direct examination that he did not know for whom he voted.)

A. I voted whoever was on the Democratic ticket. If James B. Reilly was on the ticket I voted for him.

Question repeated. When you voted at last election did you intend to vote for James B. Reilly?

(Objected to same as before.)

A. Yes, sir. I intended to vote for him; I guess for whatever he was running for.

Q. What do you guess he was running for?

(Objected to, because witness must swear to what he knows, not to what he guesses, and for reasons above.)

A. I guess he was running for Congress. I know he was running for Congress, because I was told so.

Q. Do you now say on your oath that you did not know that James B. Reilly was a candidate for Congress at the last election?

(Objected to, question is leading in character and hearsay and immaterial, and a cross-examination of a witness called by contestant.)

A. I did not know at that time that he was a candidate, at the day of election. I know now he was a candidate for Congress at the last election. I was told so by others.

Q. Do you now say on your oath that before last election you never read nor heard of James B. Reilly being nominated by the Democratic party as their candidate for Congress to be voted for at the last election?

(Objected to for the same reason as given in objections to previous questions.)

A. No, sir; I did not. I heard something about it. I did not read anything about it.

Q. Did you never talk about James B. Reilly in connection with the candidacy for member of Congress; did you never talk about his being a candidate for Congress?

(Objected to for same reasons as above.)

A. No, sir.

Q. If James B. Reilly was on the Democratic ticket for member of Congress at last election, then, so far as you know, did you vote for him?

(Objected to on part of incumbent for reasons heretofore given, and question is hypothetical in character.)

A. Yes.

Cross-examined by Mr. Nash, reserving all exceptions:

I did not read my ticket when I voted, nor did any person read it for me at the poll. The ticket I put in at the poll James Butler read for me. James B. Reilly's name might have been read off to me as on that ticket, but I forget. As far as I know now, I can't say positively whether James B. Reilly's name was on that ticket or not. I had a tax-receipt at the last election. I have it here now.

(Produced, as follows:)

"CASS TOWNSHIP, *October* 6, 1876.

"Received of Francis Gallagher, jr., eighty-three cents, State and county tax, for the year 1876.

"ANTHONY MCHALE, *Collector.*"

I had that receipt at the election. I was not challenged for taxes. I did not show it to the election-officers. They did not ask me for it.

Redirect:

I can't say when I got that receipt from McHale. It was not me got it. It was my father got it from McHale. I can't say whether it was given to my father on election day or not.

FRANK GALLAGHER, JR.

Sworn and subscribed before me the 1st day of February, 1877.

SETH W. GEER,
Notary Public.

MARTIN CLANCY sworn.

I live in Jonestown, South Cass election-district. Am 70 years of age. I did not pay a State or county tax within two years before the last election. I have a tax-receipt.

(Receipt produced by witness:)

"CASS TOWNSHIP, *October* 6, 1876.

"Received of Martin Clancy fifteen cents, State and county tax for the year 1876.

"ANTHONY MCHALE, *Collector*."

I got that receipt the 6th day of October, 1876. I know I got it on the 6th day of October, because a boy read it to me yesterday.

Question. Did you pay McHale any money for this receipt?

(Objected to. Receipt is conclusive evidence of its contents in this inquiry.)

Answer. No; didn't I tell you I paid him nothing? I offered to pay him about ten days after he gave me the receipt, but he did not take it because he said he could not change me. I offered to pay him twenty-five cents, and there was something along besides about paying for building the jail. I offered him paper-money, $20. He had no change, and no book to put it into, and so I put it in my pocket again and went on home, and I have the tax in my pocket now, this minute, to pay him if I meet him. I never paid any tax to James O'Mally, because he wanted a dollar and a half, and I offered him seventy-five cents, and he would not take it. No, sir; I did not pay a State or county tax within two years before the election.

Q. State whether or not you paid a State or county tax within two years previous to the last election.

(Objected to because receipt produced in answer to question of contestant by the witness is conclusive evidence of the payment of the tax mentioned therein, and this examination is a cross-examination of contestant's own witness for the purpose of impeaching him.)

A. No, I did not pay any tax. I paid no tax since Alick McDonald was collector. I voted at last election.

Q. For whom did you vote for Congressman at the last election?

(Objected to for same reasons given for similar questions asked former witnesses.)

A. I voted for Reilly and for his party through and through.

Cross-examined by Mr. Nash:

Anthony McHale read my ticket to me; I would not take it from any other boy. The schoolmaster, Johny Tool, read the ticket to me, and Anthony McHale gave it to me. He read Reilly's name to be sure; it was the first name on the ticket.

his
MARTIN + CLANCY.
mark.

Sworn and subscribed before me February 1, 1877.

SETH W. GEER,
Notary Public.

PATRICK DUNLEVY sworn.

I live at Jonestown, South Cass election-district; am between sixty-four and sixty-six years of age. I paid no State or county tax within two years previous to last election. I voted at last election.

Question. For whom did you vote for member of Congress at last election?

(Objected to by Mr. Nash for same reasons given in objection to similar question to former witnesses.)

Answer. I voted the Democratic ticket. If James B. Reilly was on that ticket for Congress I voted for him. I got my ticket from John Tool.

Cross-examined by Mr. Nash:

I did not read my ticket; neither Tool nor anybody else read it for me. I got a tax-receipt at the election; have it with me.

(Receipt produced, dated October 3, 1876, for twenty-eight cents State and county tax for 1876; signed by A. McHale, collector.)

I received it as my own from McHale, and had it at the election. I got it on the election day.

his
PATRICK + DUNLEVY.
mark.

Sworn and subscribed before me February 1, 1877.

SETH W. GEER,
Notary Public.

JAMES DAUGHERTY sworn.

I live at Primrose, South Cass election-district. I can't say how old I am. I am over fifty years of age. I don't know rightly whether I paid a State or county tax within two years before the last election or not. I paid no tax to O'Malley; he said I was too old to pay tax. I paid none to McHale; I hadn't it at the present time; I promised to pay it to him. I think O'Malley was collecting taxes before McHale. I don't know; I cannot rightly tell whether O'Malley was collecting for more than one year, but I think he was collecting for two years. I think the last tax-receipt I had before one shown by witness, I got from Alick McDonald.

Question. You have sworn that Anthony McHale collected the taxes for last year, and that you believed O'Malley collected them for two years before McHale, and the last receipt except the one got from McHale was got from McDonald. Now, do you swear that, to the best of your knowledge, you don't know whether you got any other receipt except the McHale receipt within three years?

(Objected to, first, the answer sought is a deduction from facts in evidence, and which can be deduced by the committee as well if not better than by the witness; second, it is a cross-examination of a witness produced by contestant, and is immaterial because the witness has produced a receipt for State and county taxes dated thirty days before the election and signed by the proper officer. This to apply to all questions of a similar import to this witness.)

Answer. I cannot say; to the best of my knowledge I cannot say.

(Receipt dated Cass Township, October 2, 1876, for thirty-five cents paid by James Daugherty, State and county tax for 1876; signed Anthony McHale, colletor.)

I voted at the last election.

Q. For whom did you vote for Congressman at the last election?

(Mr. Nash makes the usual objections to this question.)

A. I couldn't tell you; only the man who gave me the ticket, Thomas Gibbons, told me it was the full Democratic ticket, and I voted the ticket he gave me. He did not read it, but he told me Reilly's name was the first on the ticket. I did not hear him read the ticket.

(Mr. Nash declines to cross-examine.)

his
JAMES + DAUGHERTY.
mark.

Sworn and subscribed before me February 1, 1871.

SETH W. GEER,
Notary Public.

JAMES DOYLE sworn.

I live at York Tunnell, South Cass election-district. Can't tell how old I am; heard my mother say I was born in 1852. I never paid a State or county tax. I voted at last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to as above to similar questions, to apply to all questions upon same subject.)

Answer. I voted the Democratic ticket—the full Democratic ticket. I understood James B. Reiley was on the Democratic ticket for Congress, and I voted that. I did not read it, and I heard no one else read it for me. I got it from James Leary.

Cross-examined by Mr. Reily:

I had a tax receipt for State and county tax at the last election.

(Receipt produced, dated Cass Township, October 4, 1876, for 85, received from James Doyle, for State and county tax for 1876; signed by Anthony McHale.)

I was not asked for the tax-receipt at the election. I accepted this tax-receipt for my taxes. I did not get it from McHale. I got it from John Tool.

Redirect:

I got this receipt on election-day.

JAMES DOYLE.

Sworn and subscribed before me February 1, 1877.

SETH W. GEER,
Notary Public.

FRANK GORDON sworn.

I live at Greenfields, South Cass election-district. I am over twenty-three years of age. I never paid a State or county tax. I voted at the last election.

Question. For whom did you vote for member of Congress at last election.

(Objected to for same reason as above to similar questions, and this to apply to all questions on this subject.)

Answer. I voted for James B. Riley. I read my ticket.

Cross-examined:

I had a receipt for State and county tax.

(Receipt produced, dated Cass Township, October 4, 1876. "Received of Frank Gordon eighty-three cents for State and county tax for 1876; signed Anthony McHale, collector.")

I had this at the election; I received it for my taxes; I was not challenged for taxes.

Redirect:

I got this receipt from John Toole on the day of the election. I paid nothing for it.

FRANK GORDON.

Sworn and subscribed before me February 1, 1877.

SETH W. GEER,
Notary Public.

PATRICK CANFIELD sworn.

I live at Black Heath, South Cass election-district. I am between twenty-two and twenty-three years; will be twenty-three next August. I paid a State or county tax in 1876; have got the receipt.

(Receipt produced by witness, dated Cass Township, September 5, 1876, for eighty-five cents, State and county tax for 1876, to Patrick Canfield; signed by Anthony McHale, collector.)

I paid this tax since the last election; I did not get the receipt when I paid the tax; I don't exactly know the month or day of the month I got the receipt; I got it before I paid it; I got this receipt before the last election; I can't tell how long before the election I got it; it may have been two or three weeks before the election I got it; I can't say that I am pretty sure it was more than three weeks before the election I got it; I can't tell whether it was more than three after I got this receipt I voted; the way I know it was about two or three weeks before the election I got this receipt is, it was a short time before the election I got it.

(Witness attention called to date of receipt.)

It must have been after the receipt is dated that I got it. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to for same reasons as heretofore to similar questions.)

Answer. I voted the Democratic ticket; I know I voted the Democratic ticket because it was given to me as one; I voted the full Democratic ticket; I did not read it; I did not hear any body else read it; Anthony McHale gave me the ticket I voted.

Cross-examined:

I only know it was a Democratic ticket because it was given to me for that; I don't know it from any other reason than that I was told it was the Democrat ticket; I can read.

(All of the evidence of this witness upon the subject of the tax-receipt subsequent to the production of the receipt is now objected to by incumbent, by consent of counsel for contestant, first, because the receipt being produced by contestant's witness in answer to his question he is concluded by it, and all subsequent examination upon this subject is cross-examination in its character and to impeach testimony brought out by himself.)

PATRICK CANFIELD.

Subscribed and sworn before me February 1, 1877.

SETH W. GEER,
Notary Public.

JAMES LYNCH sworn.

I live at Forestville, South Cass election-district. Am over 26 years of age. Have not paid a State or county tax within two years previous to last election. I voted at last election.

Question. For whom did you vote for member of Congress at last election?

(Objected to for same reasons as heretofore to similar questions to former witnesses.)

Answer. I voted the Democratic ticket; I voted for James B. Reilly for Congress.

Cross-examined:

I read my ticket and saw Reilly's name on it. I have a tax-receipt for last year's taxes.

(Receipt produced, as follows:

"Received October 4, 1876, of James Lynch, eighty-three cents, State and county taxes for the year 1876. (Signed) Anthony McHale, collector.")

I did not receive that from McHale; I got it from John Tool; John Tool signed that receipt.

Question. Can you tell whether or not it was signed by Tool by McHale's orders?

(Objected to by contestant's counsel as being secondary evidence.)

Answer. I can't tell; I have had a conversation with McHale about this receipt since, and he said it was all right; I didn't show McHale this receipt, but he acknowledged the receipt to be all right.

Redirect:

This receipt was given to me on election-day.

JAMES LYNCH.

Sworn and subscribed before me February 1, 1877.

SETH W. GEER,
Notary Public.

PATRICK GANNON sworn.

I live at Jonestown, South Cass election-district; am about 32 years of age. I did not personally pay a State or county tax previous to last election; no one else paid any for me to my knowledge. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to for same reasons as heretofore made to former witnesses on same subject.)

Answer. To the best of my knowledge, I voted the Democratic ticket; I know I voted the Democratic ticket by the man who gave it to me; Anthony McHale gave it to me; I did not read my ticket myself and nobody read it for me.

Cross-examined:

I had a tax-receipt given to me by Anthony McHale before the last election.

(Witness produces receipt, as follows:

"Received, Oct. 6, 1876, of Patrick Gannon, one dollar and fifty cents, for State and county tax for the year 1876." Signed by Anthony McHale.)

I did not pay for it; I accepted it for my taxes.

Redirect:

I stated that I thought it was for 83 cents, and then I did not know before Mr. Nash read it how much my receipt was for. I got that receipt, to the best of my knowledge, the first week in October last.

his
PATRICK + GANNON.
mark.

Sworn and subscribed before me February 1, 1877.

SETH W. GEER,
Notary Public.

JOHN KELLY sworn.

I live in Primrose, South Cass election-district. Am about 29 years of age, to the best of my knowledge. I did not pay a State or county tax within two years previous to last election. I voted at last election.

Question. For whom did you vote for member of Congress at the last election?

(Mr. Nash objects for same reasons as stated in objections to similar question to former witnesses.)

Answer. I voted for James B. Reilly.

Cross-examined:

I read my ticket and saw his name on it. I had a receipt given me by Anthony McHale before the last election.

(Receipt produced, as follows:

"Received of John Kelly one dollar and sixty-five cents, for State and county tax for year 1876." Signed by Anthony McHale.)

I had this receipt at the election. I accepted that as the receipt for my tax.

Redirect:

I got that receipt some time before the election; it might be a month.

JOHN KELLY.

Sworn and subscribed before me February 1, 1877.

SETH W. GEER,
Notary Public.

Adjourned till 9 o'clock to-morrow, a. m., at the same place.

SETH W. GEER,
Notary Public.

FRIDAY, *February* 2, 1877.

Examination resumed. C. N. Brennan, esq., for contestant, and John A. Nash, esq., for incumbent.

JEREMIAH BUGGY sworn.

I live at Black Heath, South Cass election-district. I am 25 years of age. I did not pay a State or county tax within two years previous to last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons as heretofore urged to similar questions to former witnesses.)

Answer. I voted the Democratic ticket. I read my ticket. I read the name of James B. Reilly on my ticket.

Cross-examined:

I have a tax-receipt signed by Anthony McHale, collector of taxes for last year in that township.

(Tax-receipt produced:)

"Received of Jery Buggy one dollar and sixty-five cents, State and county tax for the year 1876. (Signed) Anthony McHale, collector."

This is a blank form of rec't, filled up with a blue pencil. This suggestion is made here at the request of contestant's counsel, and against the protest of the incumbent's counsel.)

I had not that receipt along at the election. I got it the day of the election. I had the receipt there at the polls that day. I was mistaken when I said I had not the receipt at the election.

(Counsel for contestant here suggests that the last answer, being given in response to a direct question by incumbent's counsel, objection is hereby made to it.

Incumbent suggests, also, that this was said by witness first and drawn out by incumbent's counsel afterward.)

Q. Then, did you misunderstand me (Mr. Nash) when I asked you if you had that receipt at the election?—A. Yes; I misunderstood it first. I was challenged for taxes, and I showed this receipt to the election-board, and it was inspected by them, and the vote was then taken.

Redirect:

John Tool gave me that receipt. Anthony McHale told me Tool had my receipt, and I should go and get it from him, and I went in the house and got it from him. McHale told me that the day of the election. He did not tell me then when he had written the receipt, but he told me a couple of months before the election that he had my receipt for me, but I didn't go for it.

(Receipt retained by notary and marked "Exhibit No. 1, Feb'y 21, 1877," and attached to notes of testimony.

Counsel for contestant requests notary to note the fact that all the tax-receipts that have been shown by witnesses examined before him in this case that purport to have been issued by Anthony McHale are drawn on a blank printed form, and filled out with blue pencil, similar to the one now in evidence and marked "Exhibit No. 1, February 2, 1877."

This is objected to by counsel for incumbent as not testimony under oath, but the mere declaration of counsel for contestant, which may or may not be true. Second, the testimony of witnesses who have produced receipts as part of their testimony has been closed before this suggestion was offered to be made, and this cannot now be made as part of their testimony after such closing. The papers themselves not being made exhibits, this suggestion cannot be made.

The notary states it as a fact that all the receipts thus far produced have been blanks filled in with a blue pencil-mark.

Counsel for incumbent excepts to this note of the notary, because he exceeds his power in doing so, said receipts not being before him or made exhibits as a part of this testimony, and the notary relies upon his memory for the manner in which the receipts were written.)

JEREMIAH BUGGY.

Sworn and subscribed before me the 1st day of February, 1877.

SETH W. GEER,
Notary Public.

JOHN A. NASH sworn.

I am counsel for James B. Reilly to cross examine witnesses in Minersville. I am counsel for the incumbent. I have been present at examination of all the witnesses examined before this notary, except the direct examination of J. F. Gallagher and Anthony Carrol, who were cross-examined by me afterward.

Question. Mr. Nash, have you seen all the receipts exhibited here by the witnesses purporting to be the receipts of Anthony McHale?

(Witness declines to testify further because he is here acting as counsel of Hon. James B. Reilly in the cross-examination of witnesses here produced, and all he has learned in relation to this case or said tax-receipts has been learned as such counsel; and on the further ground that the receipts themselves are the best evidence; again, that he has not been served with a copy of the subpœna in this case.)

JNO. A. NASH.

Sworn and subscribed before me the 2d day of February, 1877.

SETH W. GEER,
Notary Public.

JOHN MENELIS sworn.

I lived at Mine Hill Gap, in South Cass election-district; I am sixty-four years old; I was born in the old country; I am in this country about twenty-four years. (The object of this testimony is to prove illegality of

vote on ground of not being a citizen.) I had a citizen's paper. I got my paper in Pottsville at the court-house.

(This is objected to by the incumbent on the ground that the papers are the best evidence, and as they have not been known to have been lost or destroyed, parol evidence cannot be given of their contents; 2d, a naturalization-paper having been proven, it cannot be impeached by testimony in this issue; 3d, it is a cross-examination. This to apply to all questions upon this subject.)

I can't tell when I got my papers at Pottsville; I got them a long time ago; it was before the war; I voted before the war on the papers I got from the court-house. I left my paper with the Mr. Haughawout, the commissioner in the contested election case of James *vs.* McKibbin. James McGill was my witness to my citizen paper; him and Charley Carr too. I have known McGill a long time. McGill is dead now. I became acquainted with McGill before the war. I became acquainted with McGill two years after I came to the country. I have known Charley Carr a long time—I guess twenty years.

Question. You swore at the James *vs.* McKibbin contest as follows: "I know a man by the name of Charles Corr or Carr; I know Carr, I guess, for about nine years; or yes, I became acquainted with Charles Carr since the war." Do you now still swear that you knew this Charles Carr for about twenty years?

(Objected to. The question is leading in its character and a cross-examination in its nature. The notes in the James *vs.* McKibbin contest, are not testimony in this case, and witness cannot be cross-examined by contestant in regard to what he swore to then, and especially as the notes from which he is cross-examined are not sworn to.

Counsel for contestant answers that he pleads surprise at this witness; and the same reason as to antagonistic witness as heretofore stated is applicable here, and that the notes from which he refreshes his memory were taken under his own supervision and while he himself was examing this same witness.

Incumbent's counsel objects to this because this is evidence not under oath, but purely the assertion of counsel; 2d, the notes of evidence in this case do not show that the witness is antagonistic.)

A. I now swear that I am acquainted with Carr twenty years.

Q. Then if you swore before that you guessed you knew Carr about nine years, and that you became acquainted with him since the war, did you swear to the truth or was it false?

(Objected to that the notes of evidence in this case do not show that he swore he became acquainted with Carr since the war and has known him about nine years, and therefore this hypothetical question is not evidence, and for former reasons stated.)

A. I have poor English, and I said up there that I knew Chas. Carr nine years before the war.

Q. Did you swear at the James McKibbin contest that nobody else but James McGill was with you at Pottsville, and swore for you when you got your naturalization-paper?

(Objected to that it is immaterial what he swore to at the James-McKibbin contest; 2d, it is cross-examination of the witness, and for the former reason.)

A. I guess I did swear so up there.

Q. Did you swear at the James *vs.* McKibbin contest that Charles Carr never was a witness for you?

(Objected to for same reasons as to last preceding question.)

A. I did not swear that Charles Carr never was a witness for me; I

said up there that Charles Carr was a witness for me. Nobody has been talking to me about what I swore to up at the James *vs.* McKibbin contest. Nobody has been posting me as to how I should swear.

(The last above question was objected to by incumbent's counsel for reasons above.)

I have sworn that I got my paper before the war.

Q. You have sworn that you got your naturalization-papers before the war?

Witness answers yes.

Do you now swear that Charles Carr was your witness to that paper before the war?

(Witness hesitates in answering. Which incumbent denies, and says counsel for contestant remarks, that is a part of the tale you have not learned. Counsel for contestant denies having made such an assertion.

Incumbent's counsel insists that counsel for contestant did say that is a part of the tale you have not learned, or words to that effect.

Question read to witness, and incumbent's counsel objects to the evidence for same reasons as heretofore stated.)

A. Yes.

(Counsel for incumbent declines to cross-examine.)

his
JOHN + MENELIS.
mark.

Sworn and subscribed before me February 2, 1877.

MICHAEL KELLY--LONG sworn.

I live at Jonestown, South Cass election-district. I am between thirty and thirty-two years of age.

(Witness stood aside for the present.)

JOHN LEARY sworn.

I live in Primrose Valley, South Cass election-district. I was born in Ireland. I am about forty-seven years of age. I was between twenty-three and twenty-four years old when I came to the country, to the best of my knowledge.

Question. Did you ever swear before any court in the United States more than once with reference to a naturalization-paper?

(Objected to, as it is a cross-examination in reference to a paper not yet produced, and which contestant has not shown to be lost or destroyed.

Answer. No, sir. I voted at the last election. I voted on my "discharge." I did have my naturalization-papers. I got my first papers at a place called Muscatine, Iowa. I got them there before the war. What I mean by a discharge is, I was discharged from the United States Army. I served four years there, in the late war. Went out in 1861, and returned in 1865. I got no naturalization-paper since the war.

Q. For whom did you vote for Congressman at the last election?

(Objected to for same reasons urged to similar questions to former witnesses.)

A. I am not sure, but I intended to vote the Democratic ticket. I did not read it. I got my ticket from James Kelly. All I asked was, is Reilly on that ticket, and he said it was; that the ticket was right, and I voted it.

Cross-examined by Mr. Nash:

I did not read it myself. The ticket wasn't read to my knowledge. All I know about Mr. Reilly being on that ticket was because James Kelly told me it was. I had my naturalization-papers. I don't know where it is; it is in Illinois somewhere. I suppose it was my first paper.

Q. Can you give us any of the contents of that paper?—A. I can give you the name of the place where I got it. At Muscatine County, Iowa. I swore again Great Britain and Ireland, and all other foreign powers.

his
JOHN + LEARY.
mark.

Sworn and subscribed before me this 2d day of February, 1877.

SETH W. GEER,
Notary Public.

JOHN MCKEOWN sworn.

I live at Jonestown, South Cass election-district. Am about thirty-five years of age. I have not paid a State or county tax within two years previous to last election. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to for same reasons urged against same question to former witness.)

Answer. I voted for James B. Reilly.

Cross-examined by Mr. Nash:

I read my ticket and saw his name on it. I have a receipt for the payment of my taxes before the last election. I accepted this tax-receipt as a payment of my county and State taxes. That was the understanding. I got a tax-receipt from each, O'Mally and from McHale.

(Receipts produced. Receipt dated April 4, 1876, offered in evidence as follows:)

"CASS TOWNSHIP, *April* 4, 1875.

"Received of John McKeown — dollars seventy-five cents, for State and county tax for year 1875.

"J. O'MALLY, *Collector.*"

The other as follows:

"CASS TOWNSHIP, *October* 4, 1876.

"Received of John McKeown — dollars eighty-three cents, State and county tax for the year 1876.

"ANTHONY MCHALE,
"*Collector.*"

I had both these receipts at the poll where I voted. I was not asked for anything of the kind.

Redirect:

When I got this receipt from O'Malley there was no consideration passed for it. There was no consideration given by me to McHale when he gave me the receipt signed by him.

(Receipts in evidence, and marked as Exhibits No. 2 and No. 3, February 2, 1877.)

Recross-examination by Mr. Nash:

I don't know whether anybody paid these taxes for me. I suppose he has.

JOHN MCKEOWN.

Sworn and subscribed before me February 2, 1877.

SETH W. GEER,
Notary Public.

MARTIN FEENEY sworn.

I live at Jonestown, South Cass election-district. I was twenty-three years old last month. I did not pay a State or county tax within two years previous to last election. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for reasons urged against similar questions to former witnesses.)

Answer. I voted the full Democratic ticket. I read the ticket. James B. Reilly's name was on it.

Cross-examined by Mr. Nash:

The understanding between me and Anthony McHale was that my tax was all right. The question by Mr. Nash was did anybody pay a State or county tax for you last year, and the answer was yes. The understanding between me and Anthony McHale was my tax was all right. He gave me the receipt.

(Receipt produced as follows:)

"CASS TOWNSHIP, *October* 2, 1876.

"Received of Martin Feeney one dollar and sixty-five cents State and county tax for the year 187 .

"ANTHONY MCHALE,
"*Collector.*"

(This receipt was filled in in ink-writing.)

I had this receipt at the poll the day of the election. I did not show it. I was not asked for it. I got it the first week in October last.

MARTIN FEENEY.

Sworn and subscribed before me February 2, 1877.

SETH W. GEER,
Notary Public.

PATRICK JOYCE sworn.

I live at Primrose, South Cass election-district. Suppose I am between forty-five and fifty years of age. I do not know my age. I did not pay a State or county tax within two years prior to last election. I got a receipt, but I did not pay the tax. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for the same reasons as urged against this question to former witnesses.)

Answer. I believe I voted the whole Democratic ticket. I got my ticket from Michael Kelly, James Kelly's brother.

Cross-examined by Mr. Nash:

I did not read my ticket; I heard it read; I got it read. Reilly was on the ticket; I think so. I heard he was for Congress as far as I can remember. I couldn't see no name on it. I got him to read it for me, and then I got another man to read it afterwards. Nobody paid a State or county tax for me before last election, that I know of. He asked me for the taxes, and I told him I wouldn't pay any, and then he took out his book and gave me a receipt. I have that receipt.

(Receipt produced as follows:)

"CASS TOWNSHIP, *October* 4, 1876.

"Received of Pat. Joyce fifteen cents, county and State tax for the year 1876.

"ANTHONY MCHALE, *Collector*."

I received that receipt as a receipt for my taxes, and accepted it as such.

Redirect:

Nothing passed between McHale and me at the time he gave me this receipt, except that he asked me for my taxes, and I told him I wouldn't pay, and then he told me I couldn't vote if I hadn't my receipt, and gave me this receipt. I paid him nothing for it.

(Receipt retained and hereto attached, and marked Exhibit No. 4, February 2, 1877.)

Cross-examination by Mr. Nash:

I had that receipt with me at the election-poll. I was not challenged for taxes. I never was challenged for taxes at that poll.

his
PATRICK + JOYCE.
mark.

Sworn and subscribed before me February 2, 1877.

SETH W. GEER,
Notary Public.

DENNIS HAUGHNEY sworn.

I live at Black Heath, in South Cass election-district. I am a little over 26 years of age. I did not pay a State or county tax within two years previous to last election. I did vote at last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons heretofore urged to similar questions to former witnesses.)

Answer. I voted the Democratic ticket. I know I voted because I read it—some of it. I read James B. Reilly's name on the ticket.

Cross-examined by Mr. Nash:

It was on the ticket I voted myself that I read James B. Reilly's name. No person had paid a State or county tax for me before the last election, that I know of. I got a receipt on the day of the election. The date of the receipt is October 2, 1876; signed by Anthony McHale, collector.

Q. For what tax was that receipt given?

A. I ain't very good at reading, you can read it yourself; I can read print pretty good.

(Counsel for incumbent returns receipt to witness and requests witness to tell us what taxes that receipt is for. Witness reads from receipt, "Cass Township. Received for State and county taxes"——. I can't read the writing part of it.)

Redirect:

Q. Did you know at the time you got this receipt for what taxes it was given to you?

(Objected to by Mr. Nash, first as leading and cross-examination of contestant's own witness, and it don't matter whether witness did not know that it was for State and county taxes; the only material thing was that the receipt was for State and county taxes. The receipt was conclusive evidence of the payment of the State and county tax.)

A. Yes, sir; I did; it was for State and county tax.

Q. If you knew at the time you got this receipt that it was given to you for State and county taxes, why didn't you answer Mr. Nash when he asked you the first time for what taxes the receipt was given, and you replied you were not good at reading, and wanted him to read it?

(Objected to by Mr. Nash for same reasons as urged to next preceding question.)

A. I understood he wanted me to read what was on this tax-receipt, and that I could not do. There was no consideration passed between Anthony McHale and me when this receipt was given. (Receipt marked Exhibit No. 5, February 2, 1877.)

DENNIS HAUGHNEY.

Sworn and subscribed before me February 2, 1877.

SETH W. GEER,
Notary Public.

RICHARD FITZPATRICK sworn.

I live at Phœnix Row, South Cass election-district. I am, to the best of my opinion, between twenty-five and twenty-six years. I have not paid a State or county tax within two years previous to last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for the same reasons urged to same question asked former witnesses.)

Answer. To the best of my opinion I voted the full Democratic ticket. I did not read my ticket; the poll was near closed when I got there, and John Tool gave me my ticket, and I put it in; I did not have anybody else read it.

Q. Tell us, if you can, as far as you know, for whom you voted for Congress at the last election?

(Objected to because witness has already testified that he has no knowledge on the subject, and for the foregoing reasons.)

A. To the best of my opinion I voted for Reilly.

Cross-examined by Mr. Nash:

I did not read my ticket, and nobody read it for me. I had no time to read it; I had a receipt for State and county taxes that day at the election-poll; it was signed by Anthony McHale. Mr. Nash here asks witness to state how much the receipt was for; witness produces receipt from his pocket, and after looking at it says, fifteen cents is on it; that is for fifteen cents. I did not show the receipt at the election-poll; I was not asked in relation to payment of taxes; I had the receipt with me at the time; the tax-receipt was given to me along with my ticket on election-day; I accepted it as a receipt for my taxes.

Redirect:

Q. Was there any consideration passed from you at the time you got this receipt?—A. No, sir.

(This was objected to by Mr. Nash before answer, as the receipt was the evidence of payment.)

A. I got the receipt from John Tool.

(Receipt retained is hereto attached and marked Exhibit No. 6, February 2, 1877.)

Recross-examined by Mr. Nash:

McHale never said anything to me about this tax-receipt afterwards; it was same as it is there when Tool gave it to me; McHale has not asked me for those taxes since.

RICHARD FITZPATRICK.

Sworn and subscribed before me February 2, 1877.

SETH W. GEER,
Notary Public.

RICHARD CANFIELD sworn:

I live at Black Heath, South Cass election-district; I am going on forty-seven years of age; I did not to the best of my opinion pay a State or county tax myself, within two years before last election. (Produces a receipt.) Here is a receipt for my taxes; my wife paid that receipt, to the best of my knowledge.

Question. If your wife paid it, state when she paid it.

(Objected to; the receipt being produced here before the notary is the best evidence of the time it was paid.)

Answer. If my wife paid it she paid it on the day it was dated. My wife generally pays my tax; she said she paid it.

Q. Then all you know about the payment of this tax is what your wife told you about it, is it?

(Objected to as leading, and for former reason.)

A. Yes, sir. I believe she did pay it too.

(Receipt dated September 11, 1875: "Received of Richard Canfield one dollar and fifty cents, State, county, and road tax for the year 1874. J. O'Mally, collector." Receipt retained and hereto attached and marked Exhibit No. 7, February 2, 1877.)

I paid no other State or county tax within two years previous to last election, except the one for this receipt was given. I voted at the last election.

Q. For whom did you vote for member of Congress at the last election?

(Objection for the same reason as heretofore urged to similar questions asked to former witnesses.)

A. As far as I know I voted the Democratic ticket. I don't believe I did read my ticket. I can't say that I read the ticket I put in. No one read it for me. If I didn't read it myself nobody need read it for me.

Q. If James B. Reilly's name was on the Democratic ticket, then, so far as you know, did you vote for James B. Reilly for Congress?

(Objected to. The witness's testimony shows that he has no knowledge on the subject. Question is hypothetical and based upon a fact which may or may not be true.)

A. I say I voted the Democratic ticket, and James B. Reilly I understood was a candidate, and I believe I voted for James B. Reilly. Michael Kelly, a brother of Jim's, gave me the ticket.

Cross-examined by Mr. Nash:

I did not read the ticket that I know; I don't believe I read it. No person read it for me, as far as my knowledge goes. I voted for James B. Reilly for Congress. I voted the Democratic ticket. I didn't misdoubt the man who gave me the ticket. The reason I say I voted the Democratic ticket is that I didn't misdoubt the man who gave me the ticket.

RICHARD CANFIELD.

Sworn and subscribed before me February 2, 1877.

SETH W. GEER,
Notary Public.

MICHAEL FEENY, jr., sworn.

I live at Jonestown, South Cass election-district. I am about sixty-odd years old. I have no exact date of my age. I got exonerated of

my taxes in 1874. It was not asked of me in 1875. I paid none in 1876; it was paid for me. McHale paid it for me—Anthony McHale paid it for me.

Question. Did you swear at the James *vs.* McKibbon contest that you authorized no one to pay your taxes for you?

(Objected to by Mr. Nash, that it is immaterial what he swore to in the James *vs.* McKibbon contest, and the question is leading in character, the witness being called by the contestant, and it is also a cross-examination of his own witness.

Contestant's counsel pleads surprise.)

Answer. I am not certain whether I swore so or not.

Q. State whether McHale said that the Democratic standing committee paid your taxes for you.

A. McHale allowed he paid the taxes himself for me; he told me so since I was sworn up at Mohan's. I swore up at Mohan's (that is where the James *vs.* McKibbon contest is going on) within two weeks.

Q. Didn't you swear at Mohan's that McHale said the Democratic standing committee paid your taxes for you?

(Objected to by incumbent, as it is immaterial what he swore to at Mohan's, and it is a cross-examination by contestant about a paper not in evidence, although in his power to produce this to apply to all this examination having the same object.)

A. I may have said so, but I forget. Anthony McHale said nothing to me about this tax-receipt at all. McHale told my wife when he left the receipt that he had paid the tax. I paid no State or county tax in 1874. I paid no State or county tax in 1875 to my knowledge. I don't know of any one else paying for me for 1875. I have no receipt for State or county tax for 1875. I voted at the last election.

Q. For whom did you vote for member of Congress at the last election?

(Objected to for same reasons urged to similar questions to former witnesses.)

A. I voted the Democratic ticket; I voted the full Democratic ticket; I can't exactly tell; I didn't know Mr. Reilly; to my knowledge, I voted for him; Anthony McHale gave me my ticket; I did not ask McHale to pay my taxes for me, and I asked no one else to pay them for me.

Cross-examined by Mr. Nash:

I got over the ticket; I guess I examined it; I read it; I disremember now who was on the ticket for Congress.

his
MICHAEL + FEENY.
mark.

Sworn and subscribed before me February 2, 1877.

SETH W. GEER.

PATRICK GANNON sworn.

I live at Primrose, in South Cass election-district; I am about forty-two years of age; I have not paid a State or county tax within two years before last election; I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for the same reason as urged to similar questions to former witnesses.)

Answer. I don't know who I voted for; I didn't read the ticket, and I couldn't read either. I think it was John Tool gave me the ticket I voted, but I am not rightly sure. Of course I voted the Democratic

ticket; I don't deny that; I don't know what ticket I voted. It was John Tool gave it to me; it might be a Republican ticket for all I know.

(Cóntestant pleads surprise at the witness's answers.

Counsel objects to this going upon the record, as the notes of testimony show no grounds for surprise.)

Q. You swore awhile ago that of course you voted the Democratic ticket; then how might you have voted the Republican ticket as sworn to afterwards?

(Objected to on part of the incumbent as in the nature of a cross-examination of contestant's own witness, by whose answers he is bound. This to apply to all questions of similar nature.)

A. My answer is that because John Tool gave me the ticket, I thought it was the Democratic ticket; I voted the ticket he gave me.

Q. You have sworn that you are forty-two years of age, to the best of your knowledge; how do you know that you are that age?

(Objection that it is immaterial how old the witness is without an object stated by contestant further than that stated as follows: Contestant gives his object to be to prove that witness is no citizen.)

A. I think I am about that, as far as I can tell; I think I am about that, but can't tell exactly.

Q. When did you come to the country?

(Objected to because it is immaterial without a further object being stated by contestant.)

A. I cannot tell the day and date when I came to the country, but think I am going on twenty-two years here.

Q. Then if you are about forty-two years of age and are in the country going on twenty-two years, how old were you when you came to the country?

(Objection that this is a deduction from facts and is not testimony and because there is no object shown.)

A. Think I must have been 17 or 18, going on 18, to the best of my knowledge. I can't exactly tell. Can't exactly tell how long I have lived in Cass Township. Think I am fifteen or sixteen years in Cass Township. I lived in Albany, New York State, before I came to Cass Township. It might be I lived in Albany about five or six years; it might be more; I can't exactly tell. I lived in the old country, to be sure, before I got to Albany. I cannot remember whether I came to this country before the last war—O yes, yes, I did come here before the last war; I lived at Primrose at the time of the last war.

(Mr. Nash objects to this as at present immaterial.

I was at Primrose at the time of the war and I was in it before the war, too. I can't exactly tell you now indeed how long I was at Primrose before the war; I can't tell anything about how long; can't keep it at all. I can't tell whether I might have got there a couple of years before the war or not. I don't know, indeed, whether I might have lived at Primrose five years before the war or not.

Q. Might you have lived at the Primrose ten years before the war?

(Objected to by incumbent because it is leading, is a cross-examination of contestant's own witness, and has no apparent object. This to apply to all similar questions.)

A. I cannot exactly tell you.

(Counsel for contestant cautions witness that he does not care to have exact answers to the questions.)

Q. Might you have lived at the Primrose for fifteen years before the last war?—A. I cannot tell you; I don't think I was.

Q. You have sworn that you lived at Primrose for 15 or 16 years, and

that you lived at Albany about 5 or 6 years, and that you came to this country about twenty-two years ago. Will you now tell us on your oath, to the best of your knowledge, how long before the war you lived at Primrose?

(Objected to, as the testimony of the witness is not recited correctly in the premises to this question, and the foregoing objections.

Contestant requests incumbent to state wherein the question is not according to the evidence shown and he will willingly correct it if in error. Incumbent replies, his business here is to cross-examine and not to correct the counsel's mistakes.)

A. Indeed I cannot tell you; I don't know how long since the war was, but I know I was in it before the war.

Q. Did you ever swear that you came to this country in September, 1863?

(Objected to because if the witness gives a negative answer evidence cannot be given to contradict him, and that would be the only purpose for which it might be evidence.)

A. Not that I know of; I might have, but I don't remember.

Q. Didn't you swear at Mohan's, in the James *vs.* McKibben contest, that you came to this country in the month of September, 1863?

(Objected to for the foregoing reasons, and that it don't matter what he swore to at the James *vs.* McKibben contest; it cannot be evidence here.)

A. No, sir; I did not swear it.

Q. Did you swear at the James *vs.* McKibben contest last month that you was about 32 years of age at that time, at the time you swore last month?

(Objected to by Mr. Nash, the same objection as last above.)

A. No, sir; I did not swear so then at that contest. I gave evidence then under the name of Patrick Gannon.

Q. Did you ever swear before any court in the United States for the purpose of becoming a citizen?

(Objected to; the certificate of naturalization is the best evidence.)

A. Yes, sir; about 4 or 5 years ago, it is going on 5 to the best of my knowledge. I had a witness with me; his name was James Murphy.

Q. Did you swear at Mohan's that you became acquainted with James Murphy, in Primrose, about the 3d day after you landed?

(Objected to that it is immaterial in this issue what he swore at Mohan's; that is leading and a cross-examination.)

A. No, sir; I did not. I became acquainted with James Murphy since I came to Primrose. I know him since I come to Primrose. I never swore at any court more than once about my citizen's papers.

Q. Where is your citizen's papers?—A. I don't know; you fellows had it the last I saw of it. I don't know what you did with it.

Q. Don't you know that Mr. Haughawout, the commissioner in the James *vs.* McKibben contest, has your citizen's paper?—A. Yes; you know that he has got them; you gave them to him.

Q. When you swore at the time you got your naturalization-paper, did you swear that you were then twenty-seven years of age?

(Objected to as a cross-examination in regard to a paper not in evidence, but in the power of contestant to produce; if the paper be produced, it will show what he swore to.)

A. No, sir; I did not.

Q. How old is your oldest child?—A. I cannot tell you. I keep no account of their age. I am a grandfather. My oldest grandchild is about a year and five months old.

Cross-examined :

I had a receipt for taxes before the last election. I cannot tell its date. I cannot read it. It is from Anthony McHale. He was collector of State and county taxes for 1876.

(Receipt dated October 6, 1876, produced by witness, as follows:

"CASS TOWNSHIP, *October* 6, 1876.

"Received of Patrick Gannon one dollar and sixty-four cents, State and county tax for 1876.

"ANTHONY McHALE,
"*Collector.*")

I had this receipt before the election. I had the receipt at the election.

(Tax-receipt made exhibit, and marked "Exhibit No. 8, February 2, 1877.")

Redirect :

There was no consideration passed from me to McHale for this receipt. He said it was paid by the Democratic standing committee.

his
PATRICK + GANNON.
mark.

Sworn and subscribed before me February 2, 1877.

SETH W. GEER,
Notary Public.

JAMES MCKEOWN sworn.

I live at Primrose, South Cass election-district. I am past twenty-three years of age. I have not paid a State or county tax within two years before the last election. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election ?

(Objected to for same reasons urged against same question to former witnesses.)

Answer. I voted for James B. Reilly for Congress.

Cross-examined :

I read my ticket, and saw his name on it. I got my tax-receipt for State and county taxes a month or a little more than a month before the election from Anthony McHale. He gave it to me on condition that I would pay him when I got paid; and I did pay him when I got paid. He said nothing to me about the Democratic standing committee having made arrangements to pay my tax. I don't remember whether I had the receipt at the polls or not. I was not challenged for taxes at the poll.

Redirect :

I paid McHale for this receipt some time after the election. I think it was since the election I paid McHale the tax.

Q. Did you swear last month, at any time, that it was after the election you paid McHale the tax ?

(Objected to, as it is immaterial what he swore to last month; it can't be evidence in this issue.)

A. Yes, sir; I swore it was after the election. I state now it was after the election I paid that tax.

JAMES McKEOWN.

Sworn and subscribed before me February 2, 1877.

SETH W. GEER,
Notary Public.

JOHN COCHLIN sworn.

I live at Mine Hill Gap, South Cass election-district. I am over sixty years of age. I did not pay a State or county tax within two years previous to last election. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to for same reasons as urged to former questions of similar import to former witnesses.)

Answer. I voted the full Democratic ticket. I can't tell who was mentioned on the ticket. I only know I voted the full Democratic ticket. I did not read my ticket; nobody read it for me. Anthony McHale gave me the ticket I voted.

Cross-examined:

I had no receipt for State and county taxes signed by McHale at the last election. I paid no taxes for the last four years. No, sir; McHale didn't give me a receipt except the last one to vote. I have not got that receipt. Captain Brunner handed it to the commissioner in the James vs. McKibbin contest to be kept by him. I had a receipt at the last election, the one Anthony McHale gave me. It was not for last year's taxes. The receipt was for last year's taxes. I had the receipt at the election when I voted. I did not read my ticket. I could not read it. Nobody read it for .

Redirect:

I got this receipt from McHale two days before the election.

his
JOHN + COCHLIN.
mark.

Sworn and subscribed before me February 2, 1877.

SETH W. GEER,
Notary Public.

John Menelis recalled.

(Shown paper purporting to be naturalization-paper of John Menealis, issued out of the court of common pleas of Schuylkill County, reciting Charles Carr as witness, dated the 16th day of March, 1866, and signed Joseph M. Fegu, with the seal of the court attached. Shown witness, and contestant's counsel asks that the notary make a copy of this certificate and attach it to the depositions and evidence as an exhibit, and to be marked "Exhibit No. 9, February 2." The original certificate purporting to be a naturalization-paper, having been obtained by counsel for contestant from George D. Haughowout, esq., a commissioner appointed by the court of common pleas of Schuylkill County to take testimony in a contested-election case which is now pending, in which J. Hany James is contestant, and D. J. McKibbin is respondent, and which certificate must be returned to said commissioner for the purposes of that contest.

This paper is offered for the purpose of showing that it is fraudulent, and was obtained by imposition upon the court that issued it, and if identified by witness as the paper upon which he claims his citizenship, then he is clearly an illegal voter.

Objected to on the part of the incumbent because this is not the proper tribunal to inquire whether the paper has been obtained by fraud or not. So far as this issue is concerned, the paper is conclusive of its contents. Second, there is no evidence of the facts alleged in the offer, and therefore the incumbent denies them and objects to the copy of the naturalization-paper becoming an exhibit, as nothing but the

original or a certified copy of it, under the seal of the court, can be attached to these depositions as exhibits.

The whole offer is objected ; the tendency of the offer is to contradict and impeach the evidence of this their own witness, in his original examination this morning, as by his answers there they are concluded.)

Question. Do you identify this as your citizen-paper or naturalization-paper?—Answer. Yes; I do. This is the paper I claim the right to vote on. This is the paper I say I voted on before the war; I never had any other naturalization-papers but that. I voted at the last election.

Q. For whom did you vote for member of Congress at the last election?

(Objected to, for same reasons as urged against similar questions to former witnesses.)

A. I voted for Reilly.

Cross-examined:

Q. Was it for John Reilly?

(Objected to, as there was no John Reilly ran for Congress in this district.)

A. Yes; I did not read my ticket. I can't read it; no person read it for me.

Redirect:

I don't know how I know I voted for John Reilly; all I know is the man who gave me the ticket I asked him if Reilly's name was on it, and he said it . I don't know who told me Reilly's name was on the ticket. I got the ticket I voted from James Kelly, the school-teacher. Kelly did not tell me that Reilly's name was on it. Nobody said James B. Reilly's name was on it. I told them to put Reilly's name on the ticket.

his
JOHN + MENELIS.
mark.

Sworn and subscribed before me February 2, 1877.

SETH W. GEER,
Notary Public.

MARTIN KEARNEY sworn.

I live in Primrose, South Cass election-district. I did not vote at the last election, to my knowledge. There is no other Martin Kearney in my election-district that I know. I have lived at Primrose going on thirty years.

(Incumbent has no questions for the witness.)

his
MARTIN + KEARNEY.
mark.

Sworn and subscribed before me February 2, 1877.

SETH W. GEER,
Notary Public.

Adjourned to meet to-morrow morning, February 3, 1877, at 9 o'clock.

SETH W. GEER,
Notary Public.

SATURDAY MORNING. *February* 3, 1877.

Examination resumed.

MICHAEL KELLY LONG, sworn, recalled.

Question. You said you lived at Jonestown, South Cass election-district?

Answer. Yes, sir. Am between thirty and thirty-two years of age. I have paid a State or county tax within two years previous to last election; I have receipts. There are two other Michael Kellys in Cass Township. I came to this country in June, 1864; on the 17th of June. I cannot tell when I was born. I might be more and I might be less than thirty-two years of age. I suppose I was between 17 and 18 years of age when I came to this country; I might have been 19, as far as I know. I have a naturalization-paper.

Q. Had you ever declared your intention to become a citizen before you got this paper?

(Objected to on the part of the incumbent, as the witness, in answer to question by the contestant, has proved that he was naturalized and produced his certificate of naturalization; he cannot now examine to impeach or contradict the certificate; this to apply to all questions of this character to this witness.)

A. No, sir. Daniel Conroy was my witness the day I got this paper. I became acquainted with Daniel Conroy about the 20th of December after I landed in this country. I have lived in Cass Township three times. The last time I came there was three years ago the last week in July. I lived at Fall River, Mass., before I came to Cass the last time. I lived at Fall River between a year and a half and two years; cannot exactly say. I lived here before I went to Fall River to live. It is pretty hard for me to say how long I lived here before I went to Fall River; it might have been four or five years. I had not voted when I lived here before going to Fall River. I was married at the time; I had my family here with me at that time. I lived at Fall River before I lived in Cass the four or five years. The last time I went to Fall River my family was with me. I came to Cass Township the time I was there four or five years to live, not to visit. I voted at the last election.

(Paper offered in evidence purporting to be certificate of naturalization of Michael Kelly, dated April 26, 1872, issued by the circuit court of the United States, Massachusetts district, marked "Exhibit No. 10, February 3, 1877."

Tax-receipt, dated Cass Township, December 20, 1875—"Received of Michael Kelly 1 dollar 50 for State, county, and —— tax for the year 1875; signed James O'Malley, collector,"—produced in evidence and marked "Exhibit No. 11, February 3, 1877.")

Q. For whom did you vote for member of Congress at the last election?

(Objected to for same reasons as urged to same question to former witnesses.)

A. I voted the Democratic ticket as far ar I understand; that is, to the best of my knowledge I did. I did not read it; I couldn't read it; nobody read it for me. John Tool gave me the ticket I voted. I can't tell who I voted for for Congress. If Reilly was on the ticket I voted I voted for him.

Cross-examined by Mr. Nash:

Q. If Nutting was on the ticket you voted then you voted for him?—A. Yes; if there was another name on the ticket—[the witness corrects the answer and says]—I said if there was no other name but Reilly's on the ticket I voted then I voted for him alone.

Q. If Nutting's name was on the ticket you voted for Congress then did you not vote for Nutting?—A. Yes, if he was on the ticket.

Redirect:

If Nutting was on the ticket I voted for him. I can't tell whether Nutting was on the ticket. I said if he was on the ticket I voted for him.

Q. For whom did you intend to vote for Congress?

(Objected to by Mr. Nash, that the intention is no evidence of the act, and especially as the witness has already sworn that he did not know for whom he voted.)

A. I intended to vote for James B. Reilly.

Recross-examined:

I cannot swear here, now, whether those intentions were carried out or not.

his
MICHAEL + KELLY LONG.
mark.

Sworn and subscribed before me February 3, 1877.

SETH W. GEER,
Notary Public.

PATRICK HOPKINS sworn.

I live at Primrose, South Cass election-district; have lived there ever since I came to the country; I came there in 1852; I came there about August, 1852; I am a married man; I was not married before I came to the country; I am about 44 years of age now.

Question. How old were you when you came to the country?

(Objected to by Mr. Nash till the object is stated.

Contestant states the object to be to show witness is not a citizen.

Incumbent further objects, that the evidence is incompetent unless the object is more fully stated.)

Answer. It is more than I can tell.

Q. Did you swear last month that you were about 19 or 20 years of age when you came to the country?

(Objected to because what he swore to a month ago is not evidence here; the contestant's testimony must be proven by independent testimony; second, it is a cross-examination and leading.

Contestant pleads surprise at the evidence of witness.

Incumbent says notes of evidence taken in this case show no reason for such a plea.)

A. I don't know if I did.

Q. Were you 19 or 20 years of age when you came to the country?

(Incumbent objects as leading and a cross-examination.)

A. I might have been, or more or less.

Q. Did you ever go to any court in the United States, and swear more than once to your naturalization?

(Objected to, that this is an examination in regard to a paper not in evidence, but which is in the power of contestant to produce; the paper is the best evidence.)

Contestant replies that the objection is based upon a statement not true in fact.

A. No.

Q. Did you ever declare your intentions under oath to become a citizen of the United States?—A. No.

Q. Did you yourself pay in cash a State or county tax within two years preceding the last election?—A. Yes; I did.

Q. Have you a receipt?—A. Yes.

(Receipts produced. Receipt dated January 8, 1876, for seventy-five

cents, for State and county tax for 1875. Signed J. O'Malley, collector.)

I got this receipt from James O'Malley. I paid that money to J. O'Malley. I didn't take notice to James O'Malley write that receipt. I forget now whether James O'Malley wrote that receipt in my presence or not.

(This last question is objected to, as the receipt has been produced by contestant, and he cannot now contradict it, and it is a cross-examination.

Receipt put in evidence, and hereto attached and marked "No. 12, February 3, 1877.")

I paid other taxes besides that to James O'Malley. I can't tell when I paid other taxes to James O'Malley besides the ones for which that receipt is given. I don't know for what year I paid O'Malley taxes besides the one on that receipt.

Q. How much, if any, did you pay O'Malley besides what is on that receipt?

(Objection that the tax-receipt is the best evidence, and that not having been shown to be lost or destroyed, parol evidence cannot be given of its contents.)

A. I don't know and I might have been out on the road when I paid him.

(Objected to as immaterial.

Receipt offered in evidence dated Cass Township, December 29, 1874. Offered in evidence and hereto attached and marked "Exhibit No. 13, February 3, 1877.")

I don't know whether I paid O'Malley the taxes the day that receipt is dated or not. I voted at the last election.

Q. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash, for same reasons urged to same question to former witnesses.)

A. I voted for Reilly.

Cross-examination:

I did not read my ticket. Patrick Prendergast, he read Reilly's name off to me. I did not look upon the ticket and see whether his name was there; I can't read. I know I voted for Reilly because the person read me my ticket and read Reilly's name to me, and that is the only way I know I voted for Reilly, that he read the name on the ticket I voted. I know I intended to vote for Reilly.

Q. Then you don't know of your own knowledge that you voted for Reilly?—A. I was to vote for him. I did not know of my own knowledge, without anybody telling me, that Reilly's name was on the ticket I voted for Congress. I couldn't know by looking at the ticket myself whether Colonel Nutting's name was on the ticket or not. I have naturalization-papers. Mr. Brunner took them at the examination of the James *vs.* McKibbin contest.

Redirect:

I gave my papers to you, and I did not get them in my hands since. I don't know who has got them.

Q. Don't you know that your papers, or what you call papers, were given to Mr. Haughawout, the commissioner taking testimony in the James *vs.* McKibbin contest?—A. I didn't see them since I gave them to Charley Brunner, and the judge that was sitting there put them in a book, and that is the last I saw of them.

Q. Didn't you ask the judge, as you call him, whether you could have

what you call your papers, and he answered that he would keep them for you, and would return them when he got through with them, if the court permitted it?

(Objected to as the declaration of parties not sworn in this issue.)

A. He said the papers would be taken care of until they would be returned.

his
PATRICK + HOPKINS.
mark.

Sworn and subscribed before me February 3, 1877.

SETH W. GEER,
Notary Public.

PATRICK HARKINS sworn.

I live at Greenfields, South Cass election-district. I have no date for my age, but calculate I am pushing up to 40 years of age. I was born in Ireland.

Question. How old were you when you came to this country?

(Incumbent objects, as there must be an object stated to make this evidence.

Contestant states it is for the purpose of proving witness no citizen.

Incumbent objects that the testimony is incompetent for the offer unless more fully stated.)

Answer. I was 18 years of age.

Q. Did you ever swear before any court in the United States more than once concerning your naturalization?

(Objected to, because if a certificate of naturalization were issued it is the best evidence.)

A. No, sir.

Q. Did you ever declare your intentions on oath to become a citizen, before any court in the United States?

(Objected to for the foregoing reasons, and is an examination in reference to a paper not in evidence.

Contestant replies that the objection is based upon a statement not true in fact.)

A. No, sir; I did not declare my intentions. I got my papers all at once, and I swore then. I paid a State or county tax myself within two years previous to last election, in cash, to James O'Malley. I can't tell you when. I have the documents here to prove for themselves. I paid twice to O'Malley within two years previous to last election. I have receipts. I cannot read a great deal. I know my own name when I see it on paper. (Receipts produced.) James O'Malley gave me these receipts himself. I can't say that I saw James O'Malley write these receipts, but he gave them to me immediately after I paid him. I did not pay them both at the same time.

(Receipts offered in evidence, as follows: "Cass Township, December 14, 1874. Received of Patrick Harkins two dollars and 25 cents, State, county, and road tax for the year 1874. (Signed,) Jas. O'Malley, collector." Hereto attached, and marked "Exhibit No. 14, February 3, 1877." Also receipt Cass Township, November 11, 1875, to same, for State and county, 75 cents, same collector. Hereto attached and marked "Exhibit No. 15, February 3, 1877.")

I swore in Pottsville concerning my naturalization. There was a witness there with me; his name was Jas. Bresslin. I voted at the last election.

Q. When did you become acquainted with your witness, James Bresslin?

(Objected to, first, as it is immaterial when he became acquainted with Bresslin; court acted upon the length of time. Bresslin knew the witness; the witness having sworn in direct examination that he had received a certificate, this evidence cannot be given, as its tendency is to contradict and impeach the paper.

Contestant replies that, so far as the incumbent's objection refers to certificate, is based upon statement not true in fact.)

A. I could not exactly say. I don't suppose I was more than a month in the country when I became acquainted with him.

Q. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash, for the same reasons urged against same question asked former witnesses.)

A. I voted for Jim Reilly.

Cross-examined:

I did not read my ticket myself; I got Luke McCabe to read it for me. I did see Jim Reilly's name on it, myself; it was the first name on it. I can read a little; I can know a man's name when I see it. I was 18 years of age the 17th day March before I came to the country. I came to the country twenty-one years ago last May. I landed in Philadelphia. I was 9 weeks and 3 days from the time I started until I got to this country. I was shipwrecked, and part of the time was on land. Can't tell whether I came on an American ship or not.

Q. Did you intend to become a citizen of this country when you started for this country?—A. I knew very little about citizenship of this country when I left Ireland; can't say whether I intended to make it my home here when I started to come, but I am here ever since.

Q. You got naturalization-papers from the court in Pottsville, didn't you?

(Objected to, as no cross-examination, by contestant's counsel.)

A. Yes, sir. I have a receipt for payment of taxes from Anthony McHale, in 1876. Anthony McHale, I understood, was collector of State and county taxes for 1876.

Redirect:

I paid Anthony McHale the taxes for 1876, the very spot I got the receipt.

(Receipt shown, dated Cass Township, December 18, 1876: "Received of Patrick Harkins eighty-five cents, State and county tax for 1876, signed Anthony McHale." Received in evidence and marked "Exhibit No. 16, February 3, 1877."

his
PATRICK + HARKINS.
mark.

Sworn and subscribed before me February 3, 1877.

SETH W. GEER,
Notary Public.

Adjourned to meet at 2 o'clock p. m. sharp.

FEBRUARY 3—2 o'clock p. m. 1877.

ANTHONY SUDDEN sworn.

I live at Jonestown, South Cass election-district. Am about 31 or 32 years of age. The last tax I paid was up in Luzerne County; it was in 1873 or 1874. I can't tell rightly when I left Luzerne County; think I left it in the fall of 1874. I came to Shenandoah from Luzerne County; I think I got to Shenandoah ten days before the election, but I think it

was the spring election; I think I got there, to the best of my knowledge, ten days before the spring election of 1874. I think, to best of my knowledge, I got to Shenandoah ten days before some election in 1874. I did not vote there; I was challenged there. The man whose house I lived in challenged me; said I had only been there ten days or two weeks. I can't tell what officers I was going to vote for; I believe O'Hara was running for some office. I stopped at Shenandoah about three months; I can't exactly tell. I went from there to Mahanoy Plane; stopped there till the fall of that year; from there I came to Primrose; it was all in the one year from the time I left Luzerne County. I guess I was assessed for taxes in the year 1875. I don't know I was assessed in 1875 or not. I know James O'Malley came to me for tax in 1875, and I told him I was not assessed that year. I voted in the year 1875 when Hartranft and Pershing ran for governor. I voted at Primrose; I don't think that was my first vote there.

Question. James B. Reilly ran in the year 1874 the first time for Congress; did you vote at that election?—Answer. To the best of my opinion, I did.

(The above question and answer are objected to, because there is no evidence that Reilly did run for Congress at that time, and the question is leading.)

I voted at Primrose at that time for Reilly; I think I was at Primrose at that time, and I think I voted for him that time; to the best of my knowledge I did. I think there was snow on the ground at the time I offered to vote in Shenandoah. I paid a road tax to Owen O'Malley in Cass Township; I am sure I paid that; I don't remember the date of the year; I think it was in 1875. I lived in Lackawanna Township, Luzerne County. I lost the receipt I got for taxes in Luzerne County. I don't remember how long it was before I left Luzerne County that I paid that tax there. I had not voted on that tax in Luzerne County. I don't think I lived in Luzerne County, just before I came here this last time, quite two years. Can't tell the year I went to Luzerne County. I never polled a vote in Luzerne County as I know of. Think I paid my tax in Luzerne County to a man by the name of Kane; he was a stranger to me, but I think Kane was his name.

Q. State whether you voted at Cass Township at the election at which James E. Brennan and James O'Mally ran on opposite tickets.

(Objected to by Mr. Nash that the evidence is immaterial, the question is leading, and no time is fixed.)

A. That is a question I can't answer. I worked at the Forestville colliery, operated by Dan Koch and others; I went to work with Billy McElroy; I wasn't long in the township before I went to work; in fact, I think I had the job before I moved there. I voted at the last election in Cass Township, South Cass district.

Q. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons as urged against same question to former witnesses.)

A. I voted the ticket Anthony McHale gave me, whatever it is. I didn't read my ticket, and nobody read it for me.

Cross-examined:

I can't say now how long I have lived in Cass Township since I came back there from Luzerne County. I can't tell what tax it was I paid in Luzerne County last. To the best of my knowledge I think I was here at the time Reilly ran for Congress the first time; I was back here at

that time. I think I voted twice for Reilly; that is, last election and once before. I don't remember that Reilly ran for district attorney in 1871. I had no receipt for the payment of State or county tax at last election; I have got one, but it is for the year 1877; I had none for last year. To the best of my knowledge I came to Shenandoah, in the spring of 1874, from Luzerne County; and it was at the election of the spring of 1874 that I offered to vote in Shenandoah. I came to Shenandoah, Mahanoy Plane, and Cass Township, all in the year 1874.

Q. (By Mr. Nash.) You swore in your examination-in-chief that it was in the fall of 1873 that you left Luzerne County. Now, if you left Luzerne County in the fall of 1874, how could you have been at Shenandoah in the spring of 1874, which was some months earlier?

(Objected by contestant that the question is based upon a statement not founded on fact, as witness did not say that he left Luzerne County in the fall or winter of any year, but that he left Luzerne County in 1873 or 1874, and that it was in the fall of the year or winter that he left.)

A. I think I swore that I left Luzerne County in the winter-time in 1874; because I am certain that it was not in 1873 I left it. I think I left Luzerne County in the winter of 1874, and came to Shenandoah, and was there two or three months before the election. I can't remember how long it was before I came away from Luzerne County that I paid the tax. I did not pay any State or county tax since I came back; I paid a road tax, but no State or county tax.

his
ANTHONY + SUDDEN.
mark.

Sworn and subscribed before me February 3, 1877.

MICHAEL GANNON sworn.

I live at Primrose, South Cass election-district.

(Mr. Gannon stood aside for the present.)

MICHAEL KELLY, Jr., sworn.

I live in Primrose, South Cass election-district. I am 36 years of age. I did not pay myself, in cash, any State or county tax within two years previous to last election. I did not pay any tax for 1874 or 1875. I did not pay in cash any tax for 1876. I did vote at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons as urged against same question to former witnesses.

The witness asks if he is bound to answer, and the notary answers that he thinks as the evidence now stands the witness is bound to answer the question.)

Answer. I voted for James B. Reilly for Congress.

Cross-examined by Mr. Nash:

I read my ticket. I can't tell whether my taxes were paid or not. I have a receipt for 1876.

(Receipt produced as follows):

"CASS TOWNSHIP, *October* 6, 1876.

"Received of Michael Kelly —— dollars, eighty-five cents, State and county tax for the year 1876.

"$0.85. ANTHONY MCHALE, *Collector.*"

I received this receipt as a payment for my State and county tax for the year 1876 from Anthony McHale.

Redirect:

I got this receipt about the time it is dated. It was on the 6th, I think, 6th of October. I did not ask McHale for that receipt then. I did not see him write it. I think it was written, for he told me I had better go up and get my receipt. I was down about Nesbit's at the time he told me. I was out on the road. I can't tell how he came to tell me to go up for the receipt. I think this was in the forenoon. I went up right away to get it. I did not pay him anything for it at that time. I did not pay him for it since.

(Receipt offered in evidence. Attached, and marked "Exhibit No. 17, February 3, 1877.")

Recross-examined:

I considered that Anthony McHale was indebted to me when I got the receipt.

Q. Then he applied part of what he was indebted to you as payment of your tax?—A. We never had any particular agreement or settlement as to what he did owe me. We were not quite so particular in our little dealings as to put down everything. I had this receipt along at the election. I was not challenged for taxes. I did not show this receipt; it was not requested of me.

Redirect:

I can't say exactly how much he owed me at the time he gave me this receipt. I considered that he owed me so much that if he had asked me for the cash I would not have paid it. What I claimed was due me was due me from A. McHale; the county or Sta'e owed me nothing. McHale owed me for the use of the stable, a wagon-shed, or whatever you may call it. There was no particular agreement between me and McHale as to that indebtedness. There was no price fixed for the use of that stable at all. There never was any particular talk between McHale and me as to whether anything should be paid for the use of that stable or not. I can't exactly tell when he got this stable from me; it was when he was butchering, some year or two ago. I never owned any real estate; that is, I owned no real estate at the time I leased the stable to McHale. I had leasehold estate in my name, so far as I know, at the time I let the stable to McHale. At the time I got this receipt I did not give McHale any receipt for this rent. McHale did not say at the time he gave me this receipt that it was on account of what he owed eme. We have had no settlement about it since; there is plenty of tim to settle it yet.

Cross-examined by Mr. Nash:

I had no receipt from O'Malley.

MICH'L KELLY.

Sworn and subscribed before me February 3, 1877.

SETH W. GEER,
Notary Public.

Adjourned to meet on Tuesday, February 6, at 9 o'clock a. m., at same place.

TUESDAY MORNING, *February* 6, 1877.

Taking depositions at the house of Morgan Schwartz resumed. Charles N. Brown, esq., on the part of the contestant, and John N. Nash, esq., on part of the incumbent, present.

WILLIAM DORMER sworn.

I live at Forestville, South Cass election-district. I was fifty-one years of age last December. I was born in Ireland.

Question. Were you ever sworn more than once in any court of the United States with reference to your citizenship?

(Object stated to be to show witness no citizen.

Incumbent objects unless the object is more fully stated, and to apply all questions relating to citizenship.)

Answer. No, sir; I was not. As near as I can tell I was between 18 and 19 years of age when I came to the country. I was born in December, 1825, as far as I can recollect. I came to this country in 1844. I did vote at the last election.

Q. For whom did you vote for member of Congress at the last election?

(Objected to by incumbent for the same reasons urged to same question to former witnesses.)

A. James B. Reilly. His name was read off to me from the ticket by James Butler. I could not see; I am blind. James Butler, of Minersville.

Cross-examined:

I had a naturalization-certificate. It was taken from me at Mohan's by Commissioner Haughawont in the James *vs.* McKibben contest. I got it from the prothonotary's office, Pottsville. I know it was in 1844 I came to this country, by hearing my parents say it was that year we came here, by remembering it myself, and by the fact that it was that year that James K. Polk was elected President that year. I got the time I was born from information from a friend in Ireland about last Christmas, by a letter received at that time from my friend in Ireland. I can't trace up the relationship of that friend. His name was Denis Kelly. I did not know him when I was in the old country. He was a small child when I left there, but I requested him to make inquiry about my age, and he sent me that I was baptized on the 26th December, 1825. This information he sent me in a letter, and it is from this I fix my age. My father was in this country. I came to this country with him. My father became a citizen, too.

his
WILLIAM + DORMER.
mark.

Sworn and subscribed before me February 6, 1877.

SETH W. GEER,
Notary Public.

Michael Gannon recalled.

Live at Primrose, South Cass election-district. I am forty years of age, to the best of my knowledge and belief. I can't tell when I came to the country; can't tell how long ago it was; to the best of my knowledge I came here before the war. The war was not going on when I came to the country. Can't tell how long it was before the war I came to this country. Can't tell how long after I came that the war broke out. I came directly to Primrose when I came to the country. Was at New York a week or two, but was not there very long; can't say just how long. I don't know whether I was at Primrose at the time of the Forestville riots when that young man was killed. I don't remember anything about that riot or about any young man being shot there. There might be forty shot there and I not know it; I heard them talking about it. I came to Primrose after the Forestville riots.

Question. Did you ever swear before any court in the United States more than once with reference to your citizenship?

(Objected to by Mr. Nash till the object is stated.

Contestant states the object to be to show witness is not a citizen.

Incumbent says, if the object be to impeach naturalization-certificate, it must be first shown that the certificate is in existence, and if in existence they are the evidence and will conclude this inquiry.)

Answer. No, sir; I never did. I voted at the last election.

Q. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash, for the same reasons urged to same question to former witnesses.)

A. That is more than I can tell I got my ticket from Anthony McHale and I voted that ticket; it was not read to me.

Cross-examination:

I have a naturalization-certificate; got it at Pottsville. I got it at the prothonotary's office. I was sworn in Pottsville.

his
MICHAEL + GANNON.
mark.

Sworn and subscribed before me February 6, 1877.

SETH W. GEER,
Notary Public.

OWEN MCCORMICK sworn.

Live at the Delaware, South Cass election-district. Can't exactly tel how old I am; think I am 63 years of age. I did not myself pay a State or county tax within two years before the last election. I voted at the last election.

Question. For whom did you vote for member of Congess at the last election.

(Objected to by Mr. Nash for the same reasons urged against same question to former witnesses.)

Answer. I voted for Reilly.

Cross-examined by Mr. Nash:

I did not read my ticket. I asked Michael McGrue if Reilly was on that ticket, and he said he was. This was Michael McGrue that gave me the ticket, and I asked him if it was the full ticket, and he said it was, and I put the ticket in as he gave it to me. There was no tax paid for me; but Anthony McHale came to my house and asked me for the tax, and I told him I had no change but a five-dollar bill, and he said he wouldn't do it, he had no change himself, and I told him (this conversation between McHale and witness is objected to by contestant's counsel) to call at Druich's store and they would give him that much. I believe it was thirty-eight cents, and he gave me a receipt for it, State and county taxes; that tax-receipt Mr. Brown got. He took it when I was examined at Mohan's, in the James McKibben contest, and it has been kept there since. The receipt was dated in November, 1876, a little over a month before the election; three days over a month.

Q. If the election was on the 7th day of November, 1876, and the receipt was given a month and three days prior to the election, must it not have been dated in the beginning of October, 1876?—A. Well, I didn't look at the receipt.

Redirect:

Yes; Captain Brunner handed the receipt over to the commissioner at Mohan's, George D. Haughawout, esq.

his
OWEN + MCCORMICK.
mark.

Sworn and subscribed before me February 6, 1877.

SETH W. GEER,
Notary Public.

PATRICK PENDERGHAST sworn.

I live at Primrose, South Cass election-district. Am between twenty-four and twenty-five years. I did not pay a State or county tax within two years previous to last election. I voted at last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for the same reasons urged against same question to former witnesses.)

Answer. I voted for James B. Reilly. James B. Reilly's name was on all the tickets I gave out on that election-day. I don't remember exactly reading Patrick Hopkins's ticket more than any other, but I know Reilly's name was on all the tickets I gave out.

(Mr. Nash makes same objection to this evidence as to questions when witness is asked himself how he voted.)

I can't say positively that I remember giving Patrick Hopkins his ticket, because I gave out so many I can't remember who all I gave tickets to.

Q. If you read Patrick Hopkins's ticket to him and read to him the name of James B. Reilly, then was James B. Reilly's name on the ticket as you read it?

(Objected to as hypothetical and not based on witness's own knowledge.)

A. Yes, sir; if I read the ticket to Hopkins, Reilly's name was on it, but I am not positive about reading his ticket any more than any other one. All the tickets I gave out were the full Democratic ticket.

Cross-examined:

I had a tax-receipt from McHale.

(Receipt produced: "Cass Township, October 3, 1876. Received of Patrick Penderghast eighty-five cents, State and county tax for 1876. Anthony McHale, collector." Hereto attached, and marked Exhibit No. 18. Offered in evidence.)

I did not get this receipt until the day of the election, though McHale told me to go for it the day it was wrote out, but I didn't go for it until election-day. Had it at the polls. Was not challenged for taxes, and did not show the receipt. McHale did not say anything to me about my taxes being paid that I recollect of. I read the ticket I voted.

PATRICK PENDERGHAST.

Sworn and subscribed before me February 6, 1877.

SETH W. GEER,
Notary Public.

Patrick Gannon recalled.

(Mr. Nash objects to recalling Patrick Gannon on the ground that incumbent has had no notice of his being recalled.)

Witness proceeds:

I did not come direct from Ireland to this country. I went to England after I left Ireland. I was, to the best of my knowledge, between seventeen and eighteen years of age. Have been in this country twenty-two years to the best of my knowledge.

his
PATRICK + GANNON.
mark.

Sworn and subscribed before me February 6, 1877.

SETH W. GEER,
Notary Public.

MICHAEL GAVIN, jr., called, but not present.

JOHN PHILIPS sworn.

Live at Primrose, in South Cass election-district. Am going on forty-two years of age. I have myself paid a State or county tax within two years previous to last election. I have no receipt. I paid it to James O'Malley. I paid it to him in June of last year. I paid none since. I paid the two years' taxes at once last year to O'Malley. I paid none to McHale. I paid no tax but that I paid to O'Malley within the last three years. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons as those urged against same question to former witnesses.)

Answer. I voted for James B. Reilly; the full Democratic ticket.

Cross-examined by Mr. Nash:

I did not read my ticket, only from what Luke McCabe said to me. He gave me my ticket and I asked him if it was a full Democratic ticket, and he said it was, and I voted. I paid this tax myself to James O'Malley. I gave O'Malley an order or a check that Wadlinger gave me. I sent down to Wadlinger to send me up an order, and he did, and I gave it to O'Malley for the taxes, and Carter gave him the cash for it, and it was stopped from me. I think I had receipts for this tax, but am not sure; think O'Malley gave me a receipt before he went away.

Redirect:

I did not see Carter pay O'Malley the money for this order; there is no doubt but he did pay it.

his
JOHN + PHILIPS.
mark.

Sworn and subscribed before me February 6, 1877.

SETH W. GEER,
Notary Public.

Adjourned to meet at 1.30 p. m.
1.30 p. m., examination resumed.

MARTIN CLOON sworn.

I live at Jonestown, South Cass election-district; am going on to 60 years of age; am in this county thirty-four or thirty-five years; was born in Ireland.

(It is hereby agreed between the counsel representing contestant and incumbent that all parol testimony given in the examination of witnesses before this notary, relative to naturalization-papers or citizenship, is given subject to all the exceptions and objections to which such testimony may be legally susceptible, and with the same effect as if objections were made at the time the questions were asked and the testimony given.)

Witness proceeds:

I was naturalized about twenty-one or twenty-two years ago. William Houlahan was my witness. I have paid a State or county tax within two years previous to last election. I paid the tax in 1875. I paid them to Owen O'Malley. I paid no tax to James O'Malley; he demanded none of me. I suppose if I had been assessed he would. I paid a State

or county tax to Anthony McHale; that was after the last election. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for the same reasons urged against same questions to former witnesses.)

Answer. I voted for Reilly.

Cross examined:

I did not read my ticket all the way through; I read the first part of it and saw his name was on it; he was on the ticket for member of Congress, I guess; it was mentioned so on the ticket, any way. I can read some little; can't see very well. I say I paid a State and county tax to Owen O'Malley within two years previous to last election.

his
MARTIN + CLOON.
mark.

Sworn and subscribed before me February 6, 1877.

SETH W. GEER,
Notary Public.

MICHAEL GAIRN, jr., sworn.

I live at Jonestown, South Cass election-district. I am 41 years of age to the best of my knowledge; may be more or less. Can't tell what year I was born in. Never heard my parents or friends say what year I was born in. I came to the country in the year 1853. I was born in Ireland. I don't know how old I was when I came to this country; was between 17, 18, or 19 years, to the best of my knowledge.

Question. Did you swear last month that you were between 18 and 19 years old when you came to this country?

(Objected to by Mr. Nash, as what he swore to last month cannot be evidence in this issue, and it is a cross-examination of his own witness. This to apply to all similar questions to this witness.)

(Contestant pleads surprise at this witness.)

Answer. I swore last month that I was between 18 and 19 when I came to this country, but I am not certain how old I was. Have no date of my age. I don't know whether I might be over 42 years of age. To the best of my knowledge I am not more than 42 years of age, nor hardly 41. I came on here on my own hook. My uncle sent for me. I had a brother younger than me living, and one that was dead before I left Ireland. My brother was about 3 years old when he died. The brother I left at home was about 14 years of age; hardly that, to the best of my opinion. I was three years older than the brother I left at home. I had no record of my brother's age or of my own, but by my own judgment I judged my brother's was 14 when I left. I was sworn only once before any court in the United States relative to my citizenship. I don't know whether anybody swore when I swore for my papers, but Edward Naulty was my witness, and if it was required of him he swore for me. I was acquainted with him about three years before he swore for me. He may have known me longer. Edward Naulty was living near Bast's houses, where I was living at the time I became acquainted with him.

Q. Did you swear last month as follows: Edward Naulty knew me about three years before I got my papers?

(Objected to by Mr. Nash as above.)

A. I suppose I did, or you would not have it there. I knew him three years. I am sure of that; it may be more. The way I knew he knew

me more than three years was I was living there more than three years when I got my papers. I don't know how much longer than three years he knew me. He may have known me since I came to the country, for aught I know.

Q. If you swore last month that Edward Naulty knew you about three years before you got your papers, how can you swear now that he might have known you since the first day you arrived here?—A. He might have known me by seeing me pass and by hearing I was there, because I was a greenhorn. So far as I know three years is all he knew me before I got my papers. It was about that we were right acquainted. I couldn't say that I knew him more than for the three years before I got my papers. I voted at last election.

Q. For whom did you vote for member of Congress at the last election?

(Objected to for same reasons urged against same question to former witnesses.)

A. I voted the Democratic ticket; I don't know who was on the ticket; I got it for a Democratic ticket, and voted it. I don't know from whom I got the ticket; I forget now. I depended on the man that gave me the ticket that it was a Democratic ticket.

No cross examination.

his
MICHAEL + GAIRN, JR.
mark.

Sworn and subscribed before me the 6th day of February, 1877.

SETH W. GEER,
Notary Public.

JAMES CONNERY sworn.

I live in Primrose Valley, South Cass election-district. I was born in Ireland; came to this country in 1831, and was about 40 years of age when I came. I did not pay a State or county tax myself within three years before the election; the boys may have paid one for me, but I didn't look after it. I haven't paid any for a long time; there was a tax-collector asked me for a tax a good while ago, and I hit him. Anthony McHale gave me a tax-receipt some time in October last; some time about the 2d or 3d, I can't say which. I can't make oath to the time McHale gave me the tax-receipt. It was not on the election-day; it was some time about the 1st of October last. I got some paper; I put it in the window for a vote; it had some kind of a stamp or printing on it. I paid Anthony McHale nothing for that tax-receipt. I heard the committee paid it; I know nothing at all about it. They may make up the payment as they please; I didn't pay it.

Question. For whom did you vote for Congressman at the last election?

(Objected to by Mr. Nash for same reason urged against same question to former witnesses.)

Answer. I thought I voted for James B. Reilly. I did not cut him off the ticket, although I had a spite against him. Anthony McHale gave me the ticket I voted.

Cross-examined:

I did not read the ticket I voted. I can't read. Anthony McHale did not read it to me. I depended upon the man that gave me the ticket. I haven't got the receipt; it is lost. I had it in my pocket at the election. It wasn't asked of me, and I didn't show it.

his
JAMES + CONNERY.
mark.

Sworn and subscribed before me February 6, 1877.

SETH W. GEER,
Notary Public.

WILLIAM LYNCH sworn.

Live at Forestville, South Cass election-district; am 70 years old in May next. I have paid no State or county tax since 1873. I have a receipt here, (shows receipt). I got this receipt on the election-day last as follows:

"CASS TOWNSHIP, *October* 6, 1876.

"Received of William Lynch fifteen cents, State and county tax for the 187 . (The 187 is in print.)

"ANTHONY MCHALE, *Collector*."

(Receipt hereto attached and marked Exhibit No. 19, February 6, 1877.)

I did not pay McHale anything for that receipt. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged against same question to former witnesses.)

Answer. To the best of my knowledge and belief I voted for James B. Reilly. The receipt and ticket were given me by the one man at the same time. I did not look at the ticket, but to the best of my knowledge it was the full Democratic ticket. I got it for that from James Butler, of Minersville, and I voted it as I got it.

Cross-examined:

I had the tax-receipt at the election, but it was not demanded of me. I got it on the same day of the election. I got it at my own house, the ticket and tax-receipt both together. It was at my house at Forestville. Butler gave me the ticket and receipt. I walked to the polls. We had a wagon there to haul all the men to the polls that wasn't able to walk, and it was overloaded and I preferred to walk, and so I did. I do not know who paid for that receipt. I was not told and I did not ask; as long as I got it I took it. I did not read my ticket, and nobody read it to me. I had enough confidence in the man that I knew it was all right; I thought so at least. Butler told me it was a full Democratic ticket is the only way I knew it was.

his
WILLIAM + LYNCH.
mark.

Sworn and subscribed before me February 6, 1877.

SETH W. GEER,
Notary Public.

PATRICK LANGTON first sworn.

I live at Forestville, South Cass election-district. I reckon I am about seventy-eight years of age; don't think I have paid a State or county tax within two years previous to last election. I was hurt three or four years ago, and since that have paid no taxes. I voted at last election.

Question. For whom did you vote at the last election for member of Congress?

(Objected to by Mr. Nash for same reasons urged against same question to former witnesses.)

Answer. I voted for McKibbin and James B. Reilly. I knew Reilly was running for Congress.

Cross-examined:

I did not read my ticket that I voted; nobody read it for me. I always get my ticket from a sure man. I got a tax-receipt from Anthony McHale.

(Receipt produced, as follows:)

"CASS TOWNSHIP, *October* 5, 187 .

"Received of Pat. Langton, —— dollars fifteen cents, State, county, and —— tax, for the year 1876.

"ANTHONY MCHALE,
"*Collector.*"

(Receipt offered in evidence and made part of the record, hereto attached and marked "Exhibit No. 20, February 6, 1877."

I was not challenged for taxes. I was going to give the receipt when the clerk said it was not wanted. I understood from McHale that it was the Democratic standing committee that was to pay the tax for that receipt.

Redirect:

James Butler of Minersville gave me my ticket and the tax-receipt, and I showed them to McHale and he said he had given them to Butler for me. I got the tax-receipt on the day of the election.

Recross-examined:

The tax-receipt was filled up at the time I got it.

his
PATRICK + LANGTON.
mark.

Sworn and subscribed before me February 6, 1877.

SETH W. GEER,
Notary Public.

JOHN MCMICHAEL sworn.

Live at Greenfields, South Cass election-district. I am over seventy years of age; not certain of my exact age. I did not pay a State or county tax within two years before the last election. I came to the country in 1854. I don't remember of swearing more than once to become a citizen of the United States, but when I did swear I remember I swore against Great Britain and Ireland. My memory is not as good as it used to be. I swore against Great Britain and Ireland when I got my papers. I can't tell when it was; the papers will tell. I was born in Ireland. Patrick McCawen was my witness on my papers. I don't remember how soon it was after I came to the country I got my papers; I guess as soon as it was legal for me to get them. I never voted before I got my papers. I was not that far wrong as to vote without my papers. I can't tell by the date that I came to the country about when I got my papers. I got my papers before the late American war. I got the first papers before the last war, I will warrant you, but I don't remember when I got the last one. Think I got my first paper about 1859. You can see it all in Pottsville. Don't know whether I voted before the last war or not. Did not vote to my knowledge before I was a legal voter. I don't know whether I voted for Michael Kearn or not. If he was running after I got my papers I voted for him.

Question. Did you swear last month that you voted for Michael Weaver?

(Objected to because what he swore to last month is not evidence, and leading.

Contestant pleads surprise at this witness.)

Answer. I did not swear that I voted for Michael Weaver last month, to the best of my knowledge; you make a joke on me that I did, but I said no such thing. I voted at the last election.

Q. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged against same question to former witnesses.)

A. I voted for Reilly. I voted the Democratic ticket.

Cross-examined by Mr. Nash:

I don't know whether there was a tax paid for me before the last election or not. I had a receipt for a tax before the last election.

(Receipt produced, as follows:)

"CASS TOWNSHIP, *October* 6, 1876.

"Received of John McMichael —— dollars twenty-eight cents, State, county, and tax for the year 1876.

"ANTHONY McHALE, *Collector*."

(Receipt in evidence marked "Exhibit No. 21, February 6, 1877.")

Had this receipt with me at the election; did not show it to the election officers; was not asked for it. Think I got this receipt from O'Malley; not sure who I got it from; I got it at the house; Anthony McHale said nothing to me about it; I don't know who paid for it; don't know that it was paid for. It is a good while since I paid any tax. I am too old to pay tax. I had full citizen-papers, surely; got them from Pottsville court.

his
JOHN + McMICHAEL.
mark.

Sworn and subscribed before me February 6, 1877.

SETH W. GEER,
Notary Public.

MICHAEL DONAHOE sworn.

Live in Greenfields, South Cass election-district. Am over fifty years of age. Was born in Ireland. I swore before the court in Pottsville about my citizen-papers. John McMichael was my witness at the time I got my papers. That is the McMichael who just left the witness-stand here. I paid a State or county tax within two years previous to last election.

(Shows receipt, dated as follows:)

"CASS TOWNSHIP, *September* 20, 1875.

"Received of Michael Donahoe one dollar fifty cents, State and county tax for the year 1874.

"J. O'MALLEY, *Collector*."

(Receipt offered in evidence marked "Exhibit No. 22, February 6, 1877.")

I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons as urged to same question to former witnesses.)

Answer. I voted for James B. Reilly.

Cross-examined:

I went over my ticket; to the best of my opinion I saw Reilly's name on the ticket. I paid the tax, for which I have this receipt myself.

his
MICHAEL + DONAHOE.
mark.

Sworn and subscribed before me February 6, 1877.

SETH W. GEER, *Notary Public.*

Adjourned to meet at 7 o'clock p. m.

MATTHEW QUINN sworn.

Live at Forestville, South Cass election-district. I am over fifty years of age. I have paid a State or county tax within two years previous to last election. I paid no tax to McHale before the election last, and paid him none in 1876. I paid a tax to James O'Malley. I paid it to himself. I paid him no other, that I recollect, than the one for which I have his receipt.

(Receipt shown, dated as follows:

"CASS TOWNSHIP, *September* 21, 1875.

"Received of Matthew Quinn two dollars and twenty-five cents, State, county, and road tax for the year 1874.

"J. O'MALLEY, *Collector.*")

I got this receipt before the election.

(Receipt offered in evidence, marked "Exhibit No. 23, February 6, 1877.")

I couldn't say how long before the election I got this receipt. James O'Malley gave me the receipt. I can't say I saw him write the receipt. It was him lifted the tax at my own house. I can't tell just when it was, but when he came for those taxes I paid him. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged to same question to other witnesses.)

Answer. I voted for James B. Reilly.

Cross-examined by Mr. Nash:

I read my ticket; Reilly was on it for Congress.

MATTHEW QUINN.

Sworn and subscribed before me the 6th day of February, 1877.

SETH W. GEER, *Notary Public.*

Adjourned to meet to-morrow, February 7, at 9 a. m.

WEDNESDAY, *February* 7, 1877.

At 9 a. m. examination resumed at the house of Morgan Schwartz.

JULIANA LEIBACH sworn.

Live at Bast's houses in South Cass election-district. I am the wife of Nicholas Leibach. My husband pays all the taxes; I never paid any at all; I know nothing at all about payment of any taxes for my husband or my . I never handle any money at all. I don't know O'Malley. Men come to the house that I don't know, and I don't know who they are nor what they come for.

JULIANA LEIBACH.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER, *Notary Public.*

NICHOLAS LEIBACH sworn.

Live at Bast's houses, in South Cass election-district. I did not pay any State or county tax myself within two years preceding the last election. (Shows a receipt.) This is the only receipt I have; this is the last. I know Anthony McHale; I got no receipt from him; he gave me no receipt, and I have none at all. I cannot tell for sure whether I paid O'Malley anything for this receipt or not. I can't tell whether I paid this tax to O'Malley or not. I am an old man and forget such things.

Question. Did you swear last month that you did not pay O'Malley in money yourself for this receipt, but that he left this receipt at your house?

(Objected to as immaterial, because what he swore to a month ago cannot be evidence in this issue, and because it is cross-examination.

Contestant pleads surprise at this witness's testimony, as, from information given to counsel heretofore, the witness had said he did not pay this tax, but that it (the receipt) was left at his house.

Incumbent's counsel suggests that this information was obtained from notes of evidence taken by Mr. Brunner, counsel for this contestant, in the contest between James and McKibbin.)

Answer. Yes; I said O'Malley left this receipt in my house for me. I cannot say for sure whether I paid O'Malley anything for this receipt or not.

(Receipt as follows:

"CASS TOWNSHIP, *October* 5, 1875.

"Received of Nicholas Leibach —— dollars 25, State, county tax for 1875.

"J. O'MALLEY, *Collector*."

Receipt hereto attached, and marked "Exhibit No. 24, February 7, 1877.")

Some three or four years ago I went to the commissioners at Thomastown, and they exonerated me from payment of all my tax but 25 cents. I voted at the last election.

Q. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons as urged against same questions to former witnesses.)

A. I can't say for whom I voted. I never looked in the ticket at all. An Irish boy gave me the ticket. You know I vote every time the Democratic ticket. An Irish boy, almost a young man, gave me my ticket. Don't know who gave me the ticket; it was not Anthony McHale. I don't know John Tool.

Cross-examined:

No one read my ticket. I just got the ticket in my hand and put it in the window. I had this tax-receipt over three years. I had not this receipt at the election. I never showed this receipt. I don't know the date of the receipt. I can't read English. I have had this receipt over three years already. I didn't get this receipt now. I don't know the date of this receipt.

Q. This receipt is dated October 5, 1875. Now is that three years ago?—A. I don't know. I can't tell this. I understand some English, but talk no English at home. I got this receipt the year it is dated.

NICHOLAS LEIBACH.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER, *Notary Public*.

JAMES MURPHY sworn.

Live in Thomaston, North Cass election-district. Am between thirty-seven and thirty-eight years of age. I myself have not paid a State or county tax within two years previous to last election. My wife used to pay my tax. The last tax she paid was one she paid O'Malley in 1874. She told me she paid one tax in 1874. I saw no taxes paid to O'Malley, only my wife told me she paid it up to that time, 1874. Receipt is lost. I can't tell what time in 1874 my wife said she paid that tax. She kept no day or date of the time she paid the tax. She told me she thought it was paid in 1874. I voted in 1874 on the receipt for that tax paid for that year.

(The question to which the last above answer is responsive objected to by Mr. Nash as leading.)

Question. State whether or not your wife gave you this receipt in 1874 for you to vote.

(Objected to because the question is leading and suggestive of the answer.)

Answer. She has given me so many receipts, that to the best of my knowledge she did. If she gave it to me, I voted on it. I had a receipt in the fall of 1874, when I went to vote. The receipt was got from Mr. O'Malley by my woman. I know I had a receipt in 1874, because my wife told me so. I had that receipt in my hand once.

Q. Do you mean to say you had that receipt in the fall of 1874 when you went to vote?

(Objected to as leading.)

A. Of course I should have the receipt when I went to vote.

Q. Now you can answer that yes or no. Did you have this receipt when you went to vote in 1874?

(Objected to as leading.)

A. Yes, sir; I had that receipt; it was lost after the election, and I can't say whether in 1874 or 1875. I voted at the last election.

Q. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged against same question to former witnesses.)

A. The ticket that was handed to me was the Democratic ticket, and I voted it. I never opened my ticket. I voted the Democratic ticket as it was handed to me. I trusted the man that gave it to me that it was the Democratic ticket. Thomas Eagan gave me my ticket. I don't know, indeed, whether I paid any tax last year. My woman always paid my tax. I never paid any. My wife did not pay any tax to McHale. I had a tax-receipt from McHale. I got it from Jeremiah Curran. I got this receipt from Curran the day of the last election. The receipt was held in the James *vs.* McKibbin contest, when I gave my evidence there. I paid no taxes on that receipt, neither did my wife. I don't remember the date of that receipt.

Cross-examined by Mr. Nash:

Charles K. Taylor was present when my receipt was taken from me and given to Haughawont. Charles K. Taylor is at this table now writing. Mr. Taylor was counsel for James at that contest. Curran did not tell me who had paid the tax for me in the McHale receipt, but said it was all right. I had the McHale receipt that I got from Curran at the election. I can't positively swear that I had the 1874 receipt with me at the election in 1874 or 1875, but I know I voted on it in 1874. I cannot positively swear whether I lost the receipt in 1874 or 1875, but I know I voted on it as a legal receipt in 1874. I never paid a cent of

tax in my life. My woman paid them for me. She said the taxes were all right, that is all I know to the best of my knowledge. The first vote I cast I paid my own tax, and I paid them until I got married, and since that she has paid them. She told me she paid them up to 1874. Can't say whether I voted in 1875 or not. Can say positively that I voted in 1874. I can remember I voted in 1874, because I had my receipt in 1874 and I lost it between 1874 and 1875. Can't say whether I voted in 1875 or not. Don't remember that I voted at the spring election. Can't remember who was running in 1874 at the time I voted; think it was the spring election I voted. At the election I voted in 1874, I can't tell whether it was the township or the county election I voted. I can't say it was the fall election of 1874 or the spring election right after, but I am positive it was in 1874 I voted. There are several elections I have missed, but I can't say whether they are since 1874 or not; I didn't keep day or date, and I can't certify anything about when it was.

I voted in 1876, and I can't certify whether I voted the fall before or not. Don't know what election I used my 1873 tax-receipt. I don't know that it was the 1873 tax-receipt I used in 1874 to vote. I don't know anything about any receipt for 1873. Lost my receipt for 1874 between the election in 1874 and in 1875. It was not about the election in 1875 that I missed the receipt of 1874, but it was after the election in 1874 I lost it. I remember nothing about any election but in 1874 and the election in 1876. I remember that I voted in 1874, because I remember the date of my receipt. The receipt was dated in 1874.

his
JAMES + MURPHY.
mark.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER, *Notary Public.*

THOMAS MCGUIRE sworn.

Live at Thomastown, North Cass election-district. According to my father's writing I was born September 18, 1854, and that would make me 23 years old the 18th day of next September. I never paid a State or county tax. I voted at last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for the same reasons urged against same question to former witnesses.)

Answer. I voted for the Hon. James B. Reilly.

Cross-examined:

I read my ticket and saw his name on it. I got the ticket myself. A tax-receipt was furnished me, signed by Anthony McHale. It was dated October 2, 1876; the amount was 83 cents; signed by McHale. Had this receipt at the election; showed it to the election officers; they saw it and took my vote.

Redirect:

I have lost the McHale receipt. Anthony McHale gave me this receipt the 2d day of October, 1876.

Recross-examined:

He did not tell me who paid for it. He said I could vote. I accepted that receipt from McHale for my taxes.

THOMAS McGUIRE.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER, *Notary Public.*

OLIVER WELSH sworn.

Live at Coal Castle, North Cass election-district. Am fifty years of age; might be more. My wife has paid a State or county tax within the last two years. I did not myself pay a State or county tax within two years preceding last election. I have tax-receipts. (Receipt produced, dated November 15, 1876.) I have no other tax-receipt except the one dated in 1874, that you have; that is the one I voted on at last election. I don't know whether you have it or not; I gave it to you (Mr. Brunner) at the time I was examined in the James *vs.* McKibben contest; it laid on the table there when I left there. I did not see the tax paid for that receipt. I paid no tax to McHale before the last election. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged to same question to former witness.)

Answer. I can't exactly say I voted the Democratic all through. I got the ticket just as I was coming from work, and put it in. I got my ticket from Alexander McDonald. Nobody read it for me. I took it upon the impression that it was the Democratic ticket.

Cross-examined by Mr. Nash:

I did not read my ticket, nor did any body read it for me. From my own personal knowledge, I don't know who was on the ticket. I paid no tax in 1875. My wife pays my tax for me, but I don't think there was any paid in 1875. I don't know the date of the tax-receipt that Mr. Brunner kept from me up there.

(Mr. Nash here proposes to object, for incumbent, with same effect as if made at the time questions were asked, to all questions relating to the tax-receipts for 1874 to this witness, and to James Murphey's, because the tax-receipt of this witness has been proven to be in existence, and in the possession of the contestant; not having been produced, witness cannot be examined relative thereto, and to James Murphey, because the examination partook of the nature of a cross-examination.)

Contestant responds that it is not in his power to produce the receipt of witness.

OLIVER WALSH.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

EDWARD DELANEY sworn.

Live in Heckscherville, North Cass election-district; am about 26 or 27 years of age; I have paid a State or county tax myself within two years before last election. I paid it to James O'Malley; think it was in January, 1876, he gave me a receipt.

(Receipt produced, dated as follows:

"CASS TOWNSHIP, *January* 10, 1876.

"Received of Edward Delaney —— dollars 75 —, State, county, and —— tax for the year 1875.

"J. O'MALLEY,
"*Collector.*"

Receipt in evidence and marked "Exhibit No. 25, February 7, 1877.")

There is no other Edward Delaney in Cass township that I know of.

I have lived in Cass Township the most of my life. I was there for three or four years previous to the last election. The last tax I paid was to McDonald before the one I paid to O'Malley; that was in 1873. McHale was over there collecting, but I was not at home. I have paid none since the one I paid to O'Malley, for which this receipt was given. I paid it to O'Malley at the time he gave me the receipt. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash, for same reasons urged against same question to former witnesses.)

Answer. I voted for James B. Reilly.

Cross-examined by Mr. Nash:

I don't remember now whether I read my ticket at the time I voted or not, but I am satisfied that it was a Reilly ticket I voted, because I don't suppose the person that gave it to me would give me the wrong ticket. I might have read it, but don't remember.

EDWARD DELANEY.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

JAMES PURCELL sworn.

Live at Heckscherville, North Cass election-district. I am, to the best of my knowledge, 46 or 47 years of age. I might be more or less; have no date of my age. To the best of my knowledge I have not paid a State or county tax within two years previous to last election; the woman generally paid my tax. I paid none to McHale. I don't think I paid any to O'Malley in 1875. I paid a tax to O'Malley in 1874. I do not remember now the date of the tax I paid in 1874; the receipt is up at Mohan's, where I had it in the James *vs.* McKibbin contest. I disremember the date now, only I heard James reading it off there last week. I came to this country in 1844. In April, 1844, I left Ireland, to the best of my knowledge. I was 13 or 14 years of age when I came to the country; was born in Ireland.

Question. Did you ever swear in any court in the United States with reference to your citizenship or naturalization?

Answer. Yes, sir; at Pottsville; only once. I had a witness with me at that time. It was old Patrick Nealey from Forestville; he is now dead; became acquainted with him shortly after coming to the country. He swore for me as my witness at the time. I swore then to the best of my knowledge, in September, 1852. I have a certificate of naturalization. It is above at Mohan's; the commissioner has it there. I voted at the last election.

Q. For whom did you vote for member of Congress at the last election?

(This question is asked here after an explanation by the notary to the witness that he is not compelled to answer it at this time unless he does it voluntarily.

Objected by Mr. Nash for same reasons urged against same question to former witnesses.)

Witness has no objections and answers: I voted for James B. Reilly.

Cross-examined by Mr. Nash:

To the best of my knowledge I did read my ticket. James B. Reilly was on it for Congress. My wife pays my taxes.

(Incumbent's counsel here objects to any of the above questions about tax-receipts, as they are in existence and can be produced by contestant. Contestant denies that it is in his power to produce the receipts.)

JAMES PURCELL.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

CHARLES K. TAYLOR sworn.

Live in Minersville Borough, east ward. I took notes of testimony before Commissioner Haughawout, in the contested election between James and McKibben, in the borough of Minersville. Am a member of the Schuylkill County bar. I took the notes of James Purcell's testimony in that case. The receipt for taxes of James Purcell was offered in evidence in that case.

Question. What was the date of that receipt?

(Objected to on the part of the incumbent, as the receipt is the best evidence, and it being in existence, parol evidence cannot be given of its contents.)

Answer. I take from my notes copy of receipt offered in that examination, dated November 7, 1874: "Received of James Purcell one $\frac{50}{100}$ dollars, State and county tax for 1874. J. O'Malley, collector." From my memory the date of that receipt was November 7, 1874.

Cross-examined:

The notes I looked at were taken by me at that examination. I was was not under oath. I am employed on that case by the contestant, I. Harry James, and as such counsel I took those notes. I am not employed by Col. James L. Nutting in this case. I am employed by Charles N. Brunner to assist him, whom I suppose is counsel for Mr. Nutting. To the best of my knowledge these notes contain everything that was said by the witness, James Purcell, at that examination. In the general examination of this witness the question is incorporated in the answer. To the best of my knowledge I read this receipt aloud, took a copy of it, and passed it over to George D. Haughawout, esq., the commissioner. I have every reason to believe it is in existence yet. I have no reason to believe that it is destroyed; it was passed into his possession, and is there yet for all I know.

(This witness is here stood aside for the present.)

CHAS. K. TAYLOR.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

PATRICK ADAMS sworn.

I live at Heckscherville, North Cass election-district. Am 29 years of age as near as I can tell. 1 paid no State or county tax myself within two years previous to last election, but my wife did. I had a receipt for tax. I paid the tax in 1875 for 1874; that receipt is in the hands of Commissioner Haughawout. I saw no tax paid in 1875. I can't tell the date of the receipt in 1875. I paid no tax to McHale before last election; my wife has paid it since the election. I voted at the last election.

Question. For whom did you vote for member of Congress at last election-day?

(Objected to by Mr. Nash, for same reasons urged to same question to former witnesses.)

Answer. I voted the Democratic ticket; James B. Reilly's name was on it. I looked to see that Reilly's name was on my ticket; that was all I cared about.

Cross-examined:

I had a receipt for 1875 with me at the polls when I voted; the receipt was dated in 1875.

Redirect:

The receipt I had was dated in 1875; it was for the tax of 1874; I can't recollect the date.

(Incumbent notes an objection to the whole of this evidence about the tax-receipt, because it is not produced in evidence.)

PATRICK ADAMS.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

THOMAS B. BRENNAN sworn.

Live at Coal Castle, North Cass election-precinct. Think I am a little over 50 years of age. I have myself paid a State or county tax within two years before last election, to James O'Malley. I got the receipt here, as follows:

"CASS TOWNSHIP, *January* 10, 1875.

"Received of Thomas Brennan one dollar and fifty cents, State, county, and tax for the year 1874.

"J. O'NEAL."

(Receipt in evidence, marked Exhibit No. 26, February 7, 1877.)

I saw James O'Malley write this receipt in Mrs. Eagan's bar-room. I paid no other tax but the one for which this receipt was given within two years before last election. I voted at last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged to same question to former witnesses.)

Answer. I voted for James B. Reilly.

Cross-examined by Mr. Nash:

I read my ticket and I saw his name on it. I had not McHale's receipt before the last election.

THOMAS BRENNAN.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

JOHN HUGHES sworn.

Live at Hechscherville, North Cass election-district. Am 44 years of age past. I came to this country in September, 1849, from Ireland. I was 17 years of age when I came over. I might have been a little over. I was born in 1833. I paid a State or county tax myself personally to James O'Malley in 1875. I have no receipt. I lost both of my receipts for 1874 and 1875. My children got at them after the last spring election. My wife paid O'Malley my taxes for 1874. I paid him $1.50 for 1874. I don't know what time; some time about August, 1874. I am not sure about 1874, but am sure about 1875. There was another John Hughes lived in Cass Township. There were three lived in Hechscherville, and we designated them 1st, 2d, and 3d. Mine was first. One of the others

lives in Hechscherville and the other has moved to Shenandoah. To avoid mistakes I have put an "H" in my name. I did not pay any tax to Anthony McHale. I voted at last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons as urged against same question to former witnesses.)

Answer. I cannot tell who I voted for at the last election. Whoever was on the Democratic ticket, I think I voted for. I did not read my ticket; it was not read for me. I don't remember who I got my ticket from. I paid the tax for 1875 in September, 1875. It is over a year since that other John Hughes left Cass Township for Shenandoah. I can't tell whether it is over two years or not. It is over a year, I know.

Cross-examined by Mr. Nash:

Jimmy Hughes had a son John that lived at Coal Castle, besides the three that I have spoken of.

Redirect:

This John Hughes, son of Jimmy Hughes, left Cass Township three or four years ago.

his
JOHN + HUGHES.
mark.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

PATRICK MCDONALD sworn.

Live at Coal Castle, North Cass election-district. Am about 50 years of age, as near as I can get at it by a rough calculation. I paid no tax myself to any of the collectors for the last two years before the last election, but it was paid for me on account of its being a small tax; ten cents was my tax. Some of the standing committee that I would be voting for paid my tax for me. I could not vote without a receipt. I never had any receipt given me by James O'Malley for the last two or three years. I would get a receipt at the polls when I would go to vote; perhaps his name would be to it; any collector that would be collecting the tax, or I could not vote. I know I got a tax-receipt from McDonald, but I don't recollect paying that ten cents since; it would be paid for me; I would get the ticket anyhow. Since I was up at Mohan's I asked my wife if she had paid any tax for me, and she told me she had not paid any. I believe I told you up there I had paid none, but perhaps she had paid it for me. (This last evidence is objected to as hearsay by the incumbent.) I was told at the polls that my tax was paid. I never saw anybody pay any taxes for me; only that Malley told me my tax was paid. I got no receipt for tax that day. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reason as urged against same question to former witnesses.)

Answer. I voted for Mr. Reilly.

Cross-examined:

I did not read my ticket. I got it from Jerry Curran and Mr. Eagan. The two of them was together at the time I got it; they neither of them read it to me. I have McHale's receipt with me for tax at the last election.

(Receipt produced as follows:)

"CASS TOWNSHIP, *October*, 1876.

"Received of Patrick McDonald —— dollars, 10, State, county, and tax for the year 1876.

"ANTHONY MCHALE, *Collector*."

(Receipt hereto attached, and marked Exhibit No. 27, February 7, 1877.)

I had this receipt with me at the polls election-day. I put it in along with my ticket to the window. The election-officers inspected it and handed it back to me. I accepted that receipt for my taxes.

Redirect:

I got this receipt from Jeremiah Curran on election-day; they were sent over there from this poll by the standing committee. I know they were sent by the standing committee just by hearing them say so. Jerry Curran said so.

Recross:

Jerry did not tell me so at the time he gave me the ticket; it is since the election I heard they were sent by the committee. It was McHale himself said so since the election, but I knew before the election them tax-receipts were to be sent there for any one who wanted to vote; for them that were not able to pay their taxes.

his
PATRICK + McDONALD.
mark.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

MICHAEL QUINN sworn.

Live at Coal Castle, North Cass election-district. Am, to the best of my opinion, from what I hear people say, thirty-eight years of age. I have not paid a State or county tax within two years previous to last election. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons as urged against same question to former witnesses.)

Answer. I don't know for whom I voted for Congress. I looked at a couple of names on my ticket, but I don't know for what they were running. Can't tell now for what a man on the ticket was running.

Q. State whether or not you saw James B. Reilly's name on that ticket.

(Objected to as leading.)

A. I did see James B. Reilly's name on that.

Cross-examined:

I read a few names on the ticket, and Reilly's name was the one on that ticket. I can't exactly say who I got the ticket from, but think I got it from William McMurtrie. I could not tell you what Reilly's name was on the ballot for. I got a tax-receipt at the election. I can't recollect its date; think it was in October. I can't say the date, but it was dated in time for the election. I wasn't told who paid the taxes, but I had a kind of an understanding before the election that tax-receipts were to be furnished to those who were unable to pay their taxes. The receipt I got they kept from me in the James *vs.* McKibben contest. I

had the receipt at the election. I showed it to the election-officers. It was signed by Anthony McHale. When I went up to the polls I asked Jerry Curran how it was about a tax-receipt, and he told me it was all right. I did not learn from Curran who paid the taxes, but I heard it passed amongst the people before the election that receipts were to be furnished. The receipt was filled up before I saw it.

his
MICHAEL + QUINN.
mark.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

EDWARD CLANCY sworn.

Live in Thomastown, North Cass election-district; am about thirty-four years of age. I have not myself paid a State or county tax within two years prior to last election; my mother paid them for me.

(Shows receipt, dated Cass Township, August 11, 1875: "Received of Edward Clancy two dollars twenty-five cents, State, county, and road tax for the year 1874, signed J. O'Malley, collector.")

(Receipt in evidence and marked "Exhibit No. 28, February 7, 1877.")

There was, to my opinion, no other tax paid to O'Malley for me but that for which this receipt is given. I paid no tax to McHale before the last election. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons as urged against same question to other witnesses.)

Answer. To the best of my knowledge I voted the Democratic ticket. Of course I voted for James B. Reilly if he was running. I read some of my ticket; his name is the only name I remember on the ticket.

(No cross-examination.)

EDWARD CLANCY.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

RICHARD HUGHES sworn.

Live at Coal Castle, North Cass election-district. To the best of my opinion, heard I was born in 1840. My wife generally pays my taxes; I have paid no taxes myself. I earn the money with which she pays it. I gave her orders to pay it.

(Receipt shown, dated Cass Township, October 20, 1875: "Received of Richard Hughes four dollars eighty-six cents, State, county, and road tax for the year 1874, J. O'Malley, collector.")

(Receipt hereto attached, marked "Exhibit No. 29, February 7, 1877.")

I have paid no other State or county tax to O'Malley within two years, to my knowledge. I paid none to McHale before the election. I voted at the last election. I was born in Ireland. I can't exactly say how old I was when I came to this country. The knowledge I have of my age when I came to this country is, I heard I was born in 1840, and I came to this country in 1860. I swore in Pottsville about my naturalization. I never swore more than once. John O'Brien was my witness. I became acquainted with O'Brien some time before I got my papers. It might have been two or three years after I came to this country that I got acquainted with O'Brien, my witness.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged against same question to former witnesses.)

Answer. To the best of my opinion I voted for James B. Reilly.

Cross-examined by Mr. Nash:

I read my ticket; Reilly's name was on it for member of Congress. I can't tell from whom I got it. I got it around the polls. I had a naturalization-paper, but Mr. Brunner kept it at the James *vs.* McKibben contest. The papers were sent to me at the house at home, but I had been at Pottsville and swore for them. The Mr. Brunner that kept my papers there is the same man who is counsel here for Mr. Nutting. I only know I was born in 1840 from hearing people say so. My father was not living, nor my mother either, when I came here. Neither of them told me my age; only other people.

Redirect:

I couldn't say who told me I was that age. I have no near relative. I might have heard some aunts tell me that was my age. The commissioner, Haughawont, took my papers at Mohan's; they were handed to him by Mr. Brunner.

his
RICHARD + HUGHES.
mark.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

WILLIAM WELSH sworn.

Live at Coal Castle, North Cass election-district; am about thirty-six or thirty-seven years of age. I have not paid any State or county tax within two years previous to last election. The old woman paid tax for 1874, I think. There is no other William Welsh in North Cass that I know of; there is none in South Cass that I know. I voted in 1874 on the receipt for 1873. I think it was not on the receipt for 1874.

Question. Did you swear last month that you voted in 1874 on your tax-receipt for 1874?

(Objected to by Mr. Nash, as it is immaterial what he swore to; that is not evidence in this issue, and is a cross-examination.

Contestant pleads surprise, as the witness swears different from information contestant received through witness heretofore.

Incumbent objects to this going on the record, as evidence not under oath.)

Answer. I did not.

Q. Were these taxes for 1874 paid before the election for 1874?

(Objected to as leading and a cross-examination.)

A. I can't tell whether they were or not.

Q. Did you swear heretofore that you guessed that the taxes for 1874 were paid before the election of 1874, or else you could not have voted?

(Objected to for reasons above stated, and because it is immaterial.)

A. I did swear to that.

Q. Will you now tell, to the best of your knowledge, whether the taxes of 1874 were paid before the fall election of that year?

(Objected to because cross-examination and leading.)

A. I can't tell what time it was paid. I did not see them paid. I have no receipt for my taxes of 1864. I never had one that I know of. I never saw one. I voted at the last election.

Q. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash from same reasons as urged against same question to former witnesses.)

A. Indeed, I don't know for whom I voted. I didn't open the ticket. It was rolled up when I got it, and I stuck it in. Jeremiah Curran gave it to me. Nobody read it to me.

Cross-examined by Mr. Nash:

I can't tell whether there was any tax paid for me to Anthony McHale. I guess the standing committee paid it. I had McHale's receipt, as follows: "Cass Township, October 6, 1876: Received of Wm. Walsh —— dollars 87 cents, State, county, and —— tax for the year 187–. Signed Anth. McHale, collector." Hereto attached, and marked "Exhibit No. 30, February 7, 1877." I had this receipt with me at the last election. I got it at the poll. It was shown to the election-officers. I accepted it as a receipt for my taxes.

Redirect:

This is the same receipt that I offered in evidence at the James *vs.* McKibben contest. I did not myself mark anything on this receipt since then. Anthony McHale nor anybody else marked anything on it since then. Nobody has had it since you saw it before.

(This witness is stood aside for the present, to be called again by the contestant.)

his
WILLIAM + WELSH.
mark.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

EDWARD STAPLETON sworn.

Live at Heckscherville, North Cass election-district. Am about 60 years old. I did not pay a State or county tax within two years previous to last election. The last I paid I got this receipt for. Receipt is dated September 19, 1874. Signed by J. O'Malley, collector. Jerry Curran gave me the receipt I voted on. I guess it was dated on the 13th day of October, 1876. I have lost that receipt. I voted at the last election. I did not pay any tax to McHale. The last tax I paid was for this receipt, September 19, 1874. McHale never asked me for taxes. My old woman used to pay my taxes until Istopped work, but since then I have never paid any taxes.

Question. For whom did you vote for member of Congress at the last election?

(Objected to for same reasons as urged to same question to former witnesses.)

Answer. I voted the Democratic ticket, as far as I know. It was Alex. McDonald gave me my ticket. I did read my ticket, and my son read it. I meant I read my tax-receipt. I did not read the ticket. McDonald gave it to me, and I put it in just as he gave it to me.

Cross-examined by Mr. Nash:

Jerry Curran gave me the tax-receipt I voted on. I showed my receipt to the election-officers. They were very exact about the tax-receipts. It was the 13th of October, 1876, that was on my tax-receipt.

I did not accept this receipt for my tax. I partly guessed it was no good. Yes, I did vote on it.

his
EDWARD + STAPLETON.
mark.

Sworn and subscribed before me February 7, 1877.
SETH W. GEER,
Notary Public.

PATRICK COOGAN sworn.

Live at Cool Castle, North Cass election-district. Am 65 years old. I can't tell whether I paid State or county tax within two years before the election last fall or not. I paid no taxes since the receipts here presented, the last of which is dated July 17, 1873. I paid no tax to O'Malley, and I don't think I paid any to McHale. I offered McHale and O'Malley my tax, but they would not take what I offered them, but wanted more, and I wouldn't pay that. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged to same question to former witnesses.)

Answer. I voted for President Tilden and Reilly. They told me it was Tilden and Reilly. I did not read my ticket; but I got it from a man I could depend upon. I got it from Jeremiah Curran.

Cross-examined by Mr. Nash:

I was told Jerry was to give me my receipt to vote, and he did give it to me. I can't say whose name was signed to the receipt. The people told me Jerry was deputized to give out the receipts, and he did give it to me. Of course I must give my tax-receipt into the window, or I couldn't vote. I put my tax-receipt in the window. I had it in my hand, and I put it in through the window. I have not that tax-receipt here. I did not bring it with me. I don't know the date that was on the receipt.

Redirect:

I got that tax-receipt on the day of the election.

his
PATRICK + COOGAN.
mark.

Sworn and subscribed before me February 7, 1877.
SETH W. GEER,
Notary Public.

THOMAS SCULLY sworn.

Live at Heckscherville, North Cass election-district. Am about thirty years of age. I have paid State or county tax within two years before last election; have a receipt. I was under the impression I paid my tax about the 20th of December, 1874; am not certain; but I see by the receipt it was paid the 20th of November, 1874.

THOS. SCULLY.

Sworn and subscribed before me this 7th February, 1877.
SETH W. GEER,
Notary Public.

EDWARD KENNY sworn.

Live at Heckscherville, North Cass election-district. Cannot say just how old I am, but am about forty-nine years of age. Came in about 1850

or 1851. I swore at Pottsville court about my naturalization-papers; have swore more than once; had a witness with me; it was John Delaney. I was not twenty-one years of age when I came to the country; I don't know how old I was; suppose I was fourteen or fifteen years of age. I was a grown-up boy. I have paid a State or county tax within two years previous to last election. My woman paid the tax to McHale the day my receipt is dated; in September, 1876.

EDWARD KENNY.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

CORNELIUS LEARY sworn.

Live at Thomastown, North Cass election-district; am between thirty-nine and forty years of age. Think I made some mistake in my age above here. I was between eighteen and nineteen years of age when I came to the country. I can't say just the date, for I don't know it When I came to this country my mother and I came together, and my father told her I was between eighteen and nineteen years of age when I came. I have no date exactly. My father was a citizen before I came to this country. I know he was a citizen before I came to this country because I saw his papers. I myself paid a State or county tax in 1874 and in 1876; that is, I paid in 1875 for 1874. I can't tell exactly the date I got that receipt. I think the date of the receipt would be the day I paid it, but it was a good while before the last election; seven weeks.

(This witness is stood aside by contestant for the present, to be recalled.

Incumbent declines to cross-examine until contestant has finished the examination.)

his
CORNELIUS + LEARY.
mark.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

JAMES ADAMS sworn.

Live at Thomastown, North Cass election-district; am somewhere around fifty-four, fifty-five, or fifty-six years of age; can't tell my age exactly. I paid a State and county tax in the year 1875 to Owen O'Malley. 1 don't know whether I paid any to James O'Malley at all or not in 1874. The tax I paid to Owen O'Malley was a State and county tax. When I paid this tax to Owen O'Malley he asked me for both taxes, State and county and road tax. He gave me a receipt for State and county tax. I don't know where the receipt is; I gave it to the commissioner up at Mohan's in the James *vs.* McKibben contest, and have not seen it since. It was for the tax of 1875 I paid it. I voted at the last election. I was born in Ireland; have naturalization-papers with me. I can't say whether I paid any State or county tax within two years before last election except what I paid to Owen O'Malley. I have no receipts; I can't find any others. I paid McHale no tax before the election. 1 have no receipt, and therefore I can't say I have paid him.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons as urged against same questions to former witnesses.)

Answer. I voted the Democratic ticket in full; I voted for Reilly.

Cross-examined:

Think I read my ticket; I think I read Reilly's name on it. I haven't the best memory, but that is the ticket I intended to vote—the Democratic ticket; that is, the Reilly ticket. Nobody read it to me; think I read myself, and if I never read it the man I got it of would not give me the wrong ticket.

his
JAMES + ADAMS.
mark.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

PHILIP SHORE sworn.

Live at Heckscherville, North Cass election-district. Am thirty years of age. I have paid a State or county tax within two years before the last election. My wife paid it on the 20th of October, 1876. I paid no other State or county tax within two years before the last election but that.

Question. For whom did you vote for member of Congress at the last election?

(Objected to that the ballot is the best evidence.)

Answer. I voted the full Democratic ticket. I did not read it; nobody read it for me. Can't exactly tell who gave it to me. Mr. Thomas Eagan was there and Jerry Curran was there when I got it, but I can't exactly tell who gave me the ticket; to the best of my knowledge Thomas Eagan gave it to me.

Cross-examination by Mr. Nash:

I can't swear positively that Thomas Eagan gave me my ticket. Can't swear positively from whom I got it.

his
PHILIP + SHORE.
mark.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

JOHN HORAN, Jr., sworn.

Live at Hecksherville, North Cass election-district. Am about 31 years of age; can't say exactly how old I am. I did not pay a State or county tax within two years previous to last election. I voted at last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to for reasons urged to same question to former witnesses.)

Answer. I voted for James Reilly.

Cross-examined by Mr. Nash:

I have a receipt for State and county tax for 1876. (Receipt produced dated November 14, 1876.) I had a tax-receipt from James O'Malley. Can't tell you the date; it was in 1874. Can't say whether it was dated before or after the election in 1874. I did not pay the tax mentioned in that receipt, and I don't know who paid it. James O'Malley gave it to me. It was about the township election in 1874 he gave me the receipt. It was dated in 1874, I know. I don't know whether it was in 1874 or in 1875 he gave me the receipt, but I know it was dated in 1874. I can't say, indeed, whether it was for the tax of 1874 or not. He gave it to me at the township election. I could not tell you that it was at the spring

election of 1875 he gave me the receipt. It was when Jim Malley was tax-collector that he gave it to me. McHale was collector last year. I can't tell you how many years O'Malley was tax-collector. I can't say what tax he was collector of, but he gave me the receipt, so I could vote. It was something like the election that is coming on now—running for supervisor, and so on. I lost that receipt after this last election. I had that receipt at the last election. I showed it to the election-officers; they looked at it, took my vote, and gave me back my receipt. I can't tell whether the receipt was dated within two years of last election or not, but the election-officers after seeing it took my vote. Jim Malley did not ask me for the taxes for which that receipt was given afterwards. I read my ticket that I voted. I saw James B. Reilly's name on my ticket for Congress.

Redirect:

I was not challenged at the last election; nobody asked me for my tax-receipt at the election. I gave it in with my ticket. I think I gave it to James Conners; he was one of the election-officers inside. I think he took both my receipt and my ticket. I didn't see him hand the receipt to anybody else, but after he looked at it he handed it back to me.

Recross-examined:

I don't know whether any of the other officers of the board looked at my receipt or not.

his
JOHN + HORAN.
mark.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

JOHN QUIRK sworn.

Live at Thomaston, North Cass election-district. Am about 50 years of age. I myself did not pay any State or county tax within two years previous to last election. My wife paid it for me. I did not see her pay it, but when I came home she gave me the tax-receipt and asked if it was all right, and I told her it was. Can't tell what time of the year I first saw the receipt. She showed it to me after she paid it; within a couple of hours.

(Receipt offered in evidence as follows:)

"CASS TOWNSHIP, *September* 8, 1875.

"Received of John Quirk four dollars and eighty-six cents, State, county, and road tax for the year 1874.

"J. O'MALLEY, *Collector*."

(Receipt marked "Exhibit No. 31. February 7, 1877.")

I have not paid any other tax than the one for which that receipt was given within two years previous to last election. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged to same question to former witnesses.)

Answer. I voted the Democratic ticket, whatever names were on it. I didn't look at the ticket at all. I got it from Thomas Eagan, and voted it as I got it from him; nobody read it for me.

Cross-examined:

I didn't read it myself; I depended on him.

his
JOHN + QUIRK.
mark.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

PATRICK COYLE sworn.

Live at Mine Hill Gap, South Cass election-district. Am 40 years of age, to the best of my knowledge. I have not paid a State and county tax myself within two years, but my wife has. I have a receipt. Receipt produced. This tax was paid to Anthony McHale. I had this receipt when I was examined before. Receipt is dated July 15, 1876, and is for State and county tax for 1876. I was born in Ireland. Came here in 1853. Can't exactly say when I was born, but have heard my parents say I was going on seventeen years of age when I left Ireland.

(This witness is stood aside for the present with notice that he will be called again.

Incumbent declines to cross-examine.)

his
PATRICK + COYLE.
mark.

Sworn and subscribed before me February 7, 1877.

SETH W. GEER,
Notary Public.

Adjourned to meet to-morrow, February 8, 1877, at 9 o'clock a. m.

TUESDAY MORNING, *February* 8, 1877.

At nine o'clock examination of witnesses resumed.

PATRICK MULHALL sworn.

Live at Heckscherville, North Cass election-district. Am, to the best of my knowledge, going on 44 years of age. Born in Ireland. Have been in this country 25 or 26 years. Was between 17 and 18 years of age to the best of my knowledge when I came. Did not come with my parents; came by myself. Some of my neighbors came with me. I heard my mother say I was between 17 and 18 years of age when I came here; she told me so. The tax-receipt I voted on at the last election my wife told me she had paid to O'Malley when I came home from work one night. I can't tell whether I myself paid a State or county tax within two years before the last election or not. I did not myself pay any tax to James O'Malley. I did not myself pay any State or county tax to McHale. My wife paid McHale a tax after the last election; that was paid November 14, 1876.

(Receipt shown dated Cass Township, October 20, 1875. "Received of Patrick Mulhall —— dollars 75 ——, State, county, and —— tax for the year 1875. J. O'Malley, collector." Hereto attached and marked "Exhibit No. 32, February 8, 1877.")

I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons as urged against same question to former witnesses.)

Answer. Can't tell who I voted for. The fellows who made up the ticket for me told me I was to go for Mr. James and Mr. Nutting. James Grace gave me my ticket.

Cross-examined:

Grace told me this before I voted. I didn't see any one else but Grace make up my ticket. I voted it as Grace made it up for me.

his
PATRICK + MULHALL.
mark.

Sworn and subscribed before me February 8, 1877.

SETH W. GEER,
Notary Public.

ANDREW FOLEY sworn.

Live at Cool Castle, North Cass election-district. Am between 31 and 32 years of age. I paid no State or county tax within two years previous to last election. My mother paid tax in 1874. I have not that receipt. I did not see my mother pay that tax. I can't give the date of that tax-receipt. I saw that receipt. Can't tell what time in 1874 I saw that receipt. I voted at the fall election in 1874. Don't think I had this receipt when I voted in 1874. Alick McDonald collected tax in 1872 or 1873, and I paid him tax. I was in the habit of paying tax every year, but I paid none in 1875. Can't tell what season of the year I got this receipt. I was working at the time I got this receipt. I was working for the Reading Company. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged to same question to former witnesses.)

Answer. It was late when I got there and I got a ticket from a man. I didn't read it. I guess it was a Democratic. I got it for that. I got it from James O'Conners.

Cross-examined by Mr. Nash:

I did not read my ticket and no one read it for me. As far as my personal knowledge is concerned, I don't know for whom I voted, only that I got it for the Democratic ticket. The tax that was paid by my mother was paid for me. I earned the money with which it was paid.

(Contestant objects to the last foregoing answer, as it was drawn out by a question based upon a statement not proven in this case, as there is no legal evidence of payment of any tax by or for this witness.)

I saw the receipt for this tax. The receipt was made out in my name; this was for the 1874 taxes.

Q. Now might not this tax have been paid in 1875 for 1874?

(Objected to by contestant's counsel, as what might have been done is no proof of any fact.)

A. I don't think it was. I believe I had this tax-receipt at the spring election of 1875. This tax was paid to O'Malley. I can't remember how much it was for.

Redirect:

This receipt is lost, I guess; I couldn't find it.

Recross:

I have made search for it. I hunted for it when I was subpœnaed to attend this case at Mohan's. I made a thorough search of the house for it. I came to the poll on election-day between five and a half and six o'clock in the evening.

Redirect:

I believe I am the only Andrew Foley living in Cass Township.

ANDREW FOLEY.

Sworn and subscribed before me February 8, 1877.

SETH W. GEER,
Notary Public.

JAMES GRACE sworn.

Live at Heckscherville, North Cass election-district. Am about 41 or 42 years of age. I gave out tickets on last election-day. James B. Reilly's name was on these tickets for Congress.

(Incumbent's counsel objects to the question upon which the last above answer was based, and asks the object of the question.

Contestant's counsel answers, the object is to show for whom such parties voted for member of Congress who got their tickets from this witness, and who did not read their own tickets, and had no knowledge of whom they voted for.

Objected to, first, unless the parties are specifically named; second, because in case of Patrick Mulhall, in answer to a question of contestant, he stated that Nutting's name was on the ticket, and by that answer contestant is bound and cannot contradict his own witness; and for the reason that the ballot is the best evidence, and that the fact of the persons voting the ticket has not been shown to be illegal voters; the answer cannot affect the issue, &c.

Contestant replies, that the objection is based upon a statement not true in fact, as the witness, Mulhall, did not say that he voted for Mr. Nutting, but said as follows: "Can't tell who I voted for. The fellow who made up the ticket for me told me I was to go for Mr. James and Mr. Nutting. James Grace gave me my ticket.")

I fixed up Patrick Mulhull's ticket for him, and gave it to him—the Patrick Mulhull that was sworn here this morning.

Q. Whose name was on that ticket for Congress?

(Objected to for foregoing reasons.)

A. James B. Reilly's name was on it for Congress.

Cross-examined:

Reilly's name was not put on with a paster. It was late in the evening or afternoon. Mulhull came there in his clean clothes, his shifting-clothes, as far as I can recollect. There were parties all around about at the time. I had not a great deal of fixing to do. I did not read the ticket to him; don't mind whether I told him whose name was on the ticket or not; I don't think I did, and I believe he did not ask me either. I remember particularly giving this man his ticket; I had some tickets folded up; think that ticket was folded up when I gave it to him; I folded them myself that p. m. at the polls. I can't tell how many tickets I gave out that day; I gave out a good few, but I can't begin to tell how many. I can't tell how long before I gave this ticket to Mulhull I had read it.

Q. Do you know of any corrupt means being used, or attempted to be used, by or on behalf of Colonel Nutting or of the Republican ticket, at the last election, either by Colonel Nutting himself or any person on his behalf, or of the Republican ticket?

(Objected to by contestant, first, as no cross-examination; second, as irrelevant and impertinent.)

Contestant's counsel requests the commissioner not to allow the incumbent to take up the time of contestant in asking questions that he has clearly no right to ask or have answered in cross-examining con-

testant's witnesses, but should be forced to make all his examinations-in-chief in the time allotted to him by the act of Congress. This is especially urged here, as the time allowed contestant is not sufficient to enable him to examine his own witnesses on his own behalf.

Incumbent objects to this going on record, as it contains matters not proven in this investigation, and not under oath.

Notary rules the question is not a cross-examination of anything on the part of the contestant, and embraces matters not the subject of inquiry in this contest.

Counsel for contestant requests notary to note that witness is only stood aside that he may be called again in this contest at this place.

JAMES GRACE.

Sworn and subscribed before me February 8, 1877.

SETH W. GEER,
Notary Public.

BARTHOLOMEW CALLAHAN sworn.

Live at Thomaston, North Cass election-district. I have not day or date for my age, but to the best of my belief I am 47 years of age. I have not, myself, paid a State or county tax within two years previous to last election; my wife paid it; I have a receipt. (Produces two tax-receipts,) I have no other receipts but these:

"CASS TOWNSHIP, *December* 18, 1876.

"Received of Bart. Callahan one dollar —— cents, State, county, and road tax for the year 1876.

"J. O'MALLEY, *Collector.*"

(This receipt in evidence hereto attached, and marked Exhibit No. 33, February 8, 1877.)

To the best of my knowledge I could not tell you when I first saw this receipt. I did not see my wife pay any taxes for me.

(The other receipt is as follows:)

"CASS TOWNSHIP, *August* 10, 1875.

"Received of Bart. Callahan one dollar 25 cents, State, county and road tax for the year 1874.

"J. O'MALLEY, *Collector.*"

(Receipt hereto attached, and marked Exhibit No. 34, February 8, 1877.)

There is no other Bart. Callahan, or Cahahan, in Cass Township that I know of. I paid no State or county tax to Anthony McHale. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for the same reasons urged to same question to former witnesses.)

Answer. I voted for J. M. Reilly.

Cross-examined:

I did not read my ticket; nobody read it for me; Thomas Eagan gave it to me; he did not read it to me. It was with my money my wife paid this tax; my wife told me she had paid this tax immediately after she had paid it. There are two receipts here; they are both for the one tax; she paid it at two times.

his
BARTHOLOMEW + CALLAHAN.
mark.

Sworn and subscribed before me February 8, 1877.

SETH W. GEER,
Notary Public.

MICHAEL CAHILL sworn.

Live at Thomaston, North Cass election-district. Am 24 years of age. I did not pay, personally, any State or county tax within two years before the last election; it was paid for me; I had a receipt, but they kept it up at the other court.

Question. From whom was that receipt you speak of got?

(Objected to by Mr. Nash, as the receipt is in existence, and is the best evidence of what is contained in it. This to apply to all questions to this witness in relation to payment of taxes.)

Answer. I got this receipt from Owen O'Malley; I was witness when the money was paid to Owen O'Malley for this receipt; this was in the year 1875. I paid no tax to Anthony McHale. I voted at the last election.

Q. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged to same question to former witnesses.)

A. James B. Reilly.

Cross-examined:

I did read my ticket, and saw Reilly's name on it. I had that receipt at the polls at the day of the election; I showed it to the election-officers. James O'Malley was the collector of taxes for that year, but he was away at that time, and Owen O'Malley had his book with him—that is, his duplicate for State and county tax. The tax that was paid for me was State, county, and road tax.

Redirect:

Owen O'Malley was collecting road tax for that year; I don't know where James O'Malley was; I believe I asked his father, that is, Owen O'Malley, where Jim was, and he said he was not home. I left this receipt with Mr. Haughawont, the commissioner, at the other court.

MICHAEL CAHILL.

Sworn and subscribed before me February 8, 1877.

SETH W. GEER,
Notary Public.

JOHN NASH sworn.

Live at Coal Castle, North Cass election-district. My wife paid a tax for me. I myself paid no State or county tax within two years previous to last election. I was not present when my wife paid a tax; she only handed it to me when I came from work. This is the receipt she handed me, as follows:

"CASS TOWNSHIP, *October* 14, 1875.

"Received of John Nash two dollars 61 —— State, county, and —— tax for the year 1874.

"J. O'MALLEY, *Collector*."

(Receipt hereto attached, and marked Exhibit No. 35, February 8, 1877.)

I voted at last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash, counsel for the incumbent, for the same reasons as urged against same question to former witnesses.)

Answer. I voted for James B. Reilly.

Cross-examined:

There was no other tax paid for me beside the one for which this receipt was given within two years before the last election.

JOHN NASH.

Sworn and subscribed before me February 8, 1877.

SETH W. GEER,
Notary Public.

JAMES O'BRIAN sworn.

Live at Thomaston, North Cass election-district; am about fifty-four or fifty-five years of age. I have not paid a State or county tax within two years before the last election. I voted at last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged to same question to former witnesses.)

Answer. I voted for Reilly.

Cross-examined:

I read my ticket, not the whole of it; am sure I saw Reilly's name on it for Congress. I think Alick McDonald gave me my ticket. There was a tax paid for me before the last election. I got a tax-receipt there at the election. I have not got it with ; it was kept at the James *vs.* McKibben contest. Mr. James kept it. I don't know the date of the receipt. I got it from Jerry Curran; it was McHale's receipt. McHale was the collector of State and county tax in 1876. I showed that tax-receipt at the election to the election-officers and they took my vote after looking at it. I can't tell whether the tax-receipt was dated in time for me to vote or not. I was told nothing only that the tax was paid. I accepted that receipt for my State and county tax.

Redirect:

Jerry Curran told me my tax was paid. The receipt I gave to Mr. James was handed to Mr. Haughawout, the commissioner in the James *vs.* McKibben contest.

his
JAMES + O'BRIAN.
mark.

Sworn and subscribed before me February 8, 1877.

SETH W. GEER,
Notary Public.

PATRICK J. CAVANAGH sworn.

Live at Thomaston, North Cass election-district; am 24 years old. I have not paid a State or county tax within two years previous to the last election. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged to same question to former witnesses.)

Answer. I voted for Mr. Reilly.

Cross-examined by Mr. Nash:

I read my ticket. The Democratic committee paid a State or county tax for me within two years, I suppose. I had a receipt for the tax the county committee paid for me. It was signed by Anthony McHale. It was dated October 1, 1876. The commissioner in the legislative contest above here retained it; when I was examined up there I presented

that receipt to the election-board when I voted; they inspected it and took my vote. I accepted this receipt willingly for my tax.

Redirect:

I did not see McHale sign that receipt. McHale did not give it to me; Jeremiah Curran gave it to me on the day of the election, just before I voted.

Recross-examined:

I think McHale told me the receipt paid my tax.

P. J. CAVANAGH.

Sworn and subscribed before me February 8, 1877.

SETH W. GEER,
Notary Public.

DANIEL MCMICHAEL sworn.

I live at Greenfields, South Cass election-district; believe I will be 45 years of age next March. I have not myself paid a State or county tax within two years previous to last election, and I don't intend to pay it, either.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons as those urged to same question to former witnesses.)

Answer. I voted for James B. Reilly for Congress.

Cross-examined by Mr. Nash:

I don't know whether there was any taxes paid for me or not; I know I ordered it to be paid so that I could get my receipt and vote. I got it when I called for it.

(Receipt produced, as follows:)

"CASS TOWNSHIP, *September* 24, 1876.

"Received of Daniel McMichael one dollar sixty-four cents, State, county, and —— tax for the year 1876.

"ANTHONY MCHALE, *Collector.*"

(Receipt in evidence and marked Exhibit No. 36, February 8, 1877.)

I ordered Anthony McHale to get a fair square receipt for me, so I could vote. I told him I had no money and I was not going to pay for it, but that he should have the receipt ready so I could have a square vote. I did not show this receipt at the election; it was not asked of me. Anthony had the receipt made out when I called for it. I think it was after it was dated when I got it. I had a receipt, also in 1875, for the 1875 State and county tax. I was asked for neither receipt nor papers in 1875 by the election-officers, and I tore that receipt up, as it was out of date. The tax-receipt for 1875 was signed by J. O'Malley; that receipt was for 1875 taxes.

Redirect:

I never paid O'Malley anything for that receipt, and I never intend to pay it; and I told you before, I never would pay any taxes if I can help.

Re-cross:

O'Malley did not give me the receipt; I got it at the house when I came home from work; he did not give it to me. I have no wife. I live with my mother and father. I never asked them whether they paid it or

not; O'Malley never told me that anybody paid for it. I don't know whether it was ever paid for or not, and I don't care, either.

his
DANIEL + McMICHAEL.
mark.

Sworn and subscribed before me, February 8, 1877.

SETH W. GEER,
Notary Public.

EDWARD RYAN sworn.

Live in Mackesburg, North Cass election-district. I am about 48 years of age to the best of my opinion. I came to the country in 1852. Was born in Ireland. I swore before a court relating to my naturalization. I paid a State or county tax myself in 1874. I paid part of a tax in 1875; I didn't pay it in full. I paid a dollar to James O'Malley on account of the tax; there was a balance to pay afterwards. Those tax-receipts are with Mr. Haughawout, the commissioner in the James *vs.* McKibbin contest.

(All the above evidence relating to taxes is objected to with the same effect as if made before answers made, because the receipts are in existence and are the best evidence, &c.)

I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Mr. Nash objects for the same reasons urged to same question to former witnesses.)

Before answering, notary says to the witness he need not answer the question if he does not wish to, as the evidence does not at this time show there was anything wrong about the vote.)

Answer. I know when I voted I asked for Reilly's ticket. I got the ticket from Thos. Eagan. I saw Reilly's name on my ticket; that was what made me go to the poll, was to vote for him.

(Mr. Nash declines to cross-examine.)

his
EDWARD + RYON.
mark.

Sworn and subscribed before me February 8, 1877.

SETH W. GEER,
Notary Public.

Charles K. Taylor recalled.

(Incumbent objects to Mr. Taylor being recalled to new matter without further notice to him.)

Witness proceeds:

I took notes of testimony in James *vs.* McKibben contest; I was attorney for contestant in that case.

Question. State whether you saw the receipts of Edward Ryon for State and county taxes offered in evidence in that case. If so, give us the dates, amounts, and years for which they were paid. This for the purpose of laying grounds of proving that there was no such payment of taxes as contemplated in law by the above-named witness Edward Ryon, to be followed by producing the commissioner with said receipts if possible, and showing by the reeords that the said taxes of the said Edward Ryon were exonerated by the commissioner of Schuylkill County, and therefore not paid.

(Objected, first, that the receipts being in existence and not produced, secondary evidence of their contents cannot be given; second, contestant

having proved by said Edward Ryon that a State and county tax was paid by him in 1874 and 1875, is concluded by said testimony and cannot now put in evidence to contradict or impeach it.)

Witness proceeds:

I saw the tax-receipts produced by Edward Ryan before George D. Haughawout, the commissioner; I read them and took a copy of them and passed them over to the commissioner. The first one was dated December 18, 1874, for State, county, and road tax for 1874; amount was $1.25; the second receipt was dated August 11, 1875, for $1 for State, county, and road tax for 1874. Signed J. O'Malley, collector.

Cross-examined by Mr. Nash:

I took full and complete copies of those receipts on my notes. I could not without having refreshed my memory from those notes have told the dates and amounts respectively of those receipts. I could not have given the contents of those receipts without refreshing my memory from these notes of evidence. I had the memory of examining Edward Ryon and of his tax-receipts being produced. In the second receipt his name was spelled Edward Ryan. It was spelled the same way in the first receipt to the best of my belief. There was, to the best of my recollection, a dollar-mark at the end of both receipts. I say now after refreshing my recollection from my notes that Edward Ryan was spelled in full in both receipts and that both receipts had the dollar-mark on them. The receipts were printed in blank and all the O'Malley receipts as far as I recollect had the dollar-mark on them. I am here as the assistant of Mr. Brunner, who is Mr. Nutting's counsel. I am not employed by Mr. Nutting.

(Mr. Taylor is stood aside for the present by contestant, to be called again.)

C. K. TAYLOR.

Subscribed and sworn to before me February 8, 1877.

SETH W. GEER,
Notary Public.

MICHAEL DELANEY sworn.

I live at Heckscherville, North Cass election-district. I have no record of my age; to the best of my opinion I am about 24 years of age. Personally I did not pay any State or county tax within two years preceding last election. I voted at the last election. I don't know whether there was any other Michael Delaney lived in Cass Township in the year 1874 or not; I know there was a Michael Delaney lived there once, but I don't know whether he left there before or after 1874; I knew him and I knew him to live in Cass Township; I don't remember of his having lived there since 1874; he might have lived there.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons as urged to same question to former witnesses.)

Answer. I voted for James B. Reilly for Congress.

Cross-examined by Mr. Nash:

I had a tax paid for me within two years prior to last election; a State and county tax; I got a receipt for that tax; I don't remember the date of it; I lost that receipt; that tax was for the year 1875; it was dated thirty days before the last election, and more too; I lost it before the last election; it was paid by my brother, the lost one; I got the receipt in January, 1876; James O'Malley's name was signed to the lost

receipt; there was no other tax paid within two years that I know of; there might have been; I was not challenged for taxes at the last election. I was inspector of the election. I made it known that my tax-receipt was lost, and that they were paid for in 1875, and offered to swear to it, but I did not; I was excused from swearing by the election-officers because I was sworn as an election-officer to see that no person's vote got in there who had not paid a tax within two years and more than thirty days before the election; I believe I read my ticket, that is, I read a part of the ticket; I read the heading of the ticket, that is, the part having the electors.

Redirect:

I did read James B. Reilly's name on the ticket; my brother's name, who paid my taxes, is Edward Delaney; he is now living at Hecksherville; I had no other tax-receipt for taxes paid within two years previous to last election; the receipt I lost was dated in 1876; it was for the taxes of 1875.

Q. Did you produce a receipt for taxes dated September 8, 1875, for two dollars and twenty-eight cents, for State, county, and road tax for 1874, before the commissioner in the James *vs.* McKibben contest, which you there alleged was paid by your mother?

(Objected to by Mr. Nash: first, that the question is leading and cross-examination in its nature; second, that it is immaterial, because witness has proved payment of State and county tax within two years of and more than thirty days before last election.

(Contestant pleads surprise at this witness by reason of prior contradictory information.

Mr. Nash objects to this statement going on the record as it *res inter alios acta.*)

A. I produced a tax-receipt; do not remember the dates that was on the tax-receipt. That receipt was retained by the commissioner.

Recross-examined:

All the information I gave him was my evidence in that case. Captain Brunner was not there.

MICHAEL DELANEY.

Sworn and subscribed before me February 8, 1877.

SETH W. GEER,
Notary Public.

MATTHEW COLO sworn.

Live in Thomaston, North Cass election-district. My mother says I am between fifty-four and fifty-five years of age; my mother told me this yesterday. I came to this country in 1845. Was born in Ireland. I paid no State or county tax myself within two years before last election; my wife paid it. I did not see her pay it. I got the receipts. They have my receipt up at the other contest. Commissioner Haughawout has it, and the one for 1875 I lost.

(Mr. Nash objects to any question upon the subject of the tax-receipt in Commissioner Haughawout's possession, as it is the best evidence, &c.)

I paid the two taxes in 1875. I paid the tax for 1874 in 1875; that is, my wife paid it, and I had the receipt.

(Witness stood aside for the present, and Mr. Nash declines to cross-examine now.)

LUKE MOHAN sworn.

Live at Forestville, South Cass election-district. Am about sixty years

of age. Was born in Ireland. I swore about my naturalization at a court in Orwigsburg. I came to the country on the 7th of April, 1836. I never swore more than once about my naturalization. I swore this once in 1838, at Orwigsburg, for my first papers. There I got a man to swear for me that I was a citizen when I got my last papers. That was in 1842 or 1843. My witness was Bernard Fallelin. I was in the court-house when he swore for me. I did not pay any State or county tax myself within two years previous to last election. I hardly ever pay any.

(Shows receipt dated November 9, 1874, as follows:)

"CASS TOWNSHIP, *November* 9, 1874.

"Received of Luke Mohan, —— dollars 75 cents, State, county, and road tax for the year 1874.

"J. O'MALLEY,
"*Collector.*"

(This witness set aside for the present. Cross-examination for this reason set aside.)

LUKE MCCABE sworn.

Live at Forestville, South Cass election-district. I am going on twenty-eight years of age. I was giving out tickets at the last election. I know John Philips. I can't say whether I gave John Philips his ticket on election-day or not.

Question. Whatever tickets you gave out that day, who was on them for Congress?

(Objected to by Mr. Nash, as the question is necessarily hypothetical and is not evidence unless the specific persons to whom he gave tickets are named; the ballot is the best evidence, and it is not evidence unless those persons are proven to be illegal voters, which they have not.)

Answer. James B. Reilly. I saw John Philips at the election-polls that day.

Q. If you gave John Philips a ticket that day, was James B. Reilly's name on that ticket?

(Objected as before.)

A. If I gave him a ticket James B. Reilly's name was on it. I gave nothing out that day but the Democratic ticket.

Q. Did you give out any ticket with anybody else's name for Congress than that of James B. Reilly on that day?

(Objected to for the foregoing reasons, and that it has not been proven to whom he gave tickets.)

A. No, sir.

Cross-examined:

Anthony McHale put up the tickets I gave out. I looked over the tickets I gave out myself. I read every one as I gave it out to the voter. I wanted to give him to understand how he was going to vote.

LUKE MCCABE.

Sworn and subscribed before me February 8, 1877.

SETH W. GEER,
Notary Public.

JAMES LEARY (or O'LEARY) sworn.

Live at Forestville, South Cass election-district. Am a little over 31 years of age. I have not myself paid a State or county tax within two years previous to last election. My wife paid tax in the latter end of

November, 1875. I did not see her pay. I have one receipt for taxes paid within two years and the one I lost would be two.

(Receipt shown, dated as follows:)

"CASS TOWNSHIP, *October* 4, 1876.

"Received of James Leary, one dollar sixty-five cents, State, county, and —— tax for the year 1876.

"ANTHONY MCHALE,
"*Collector.*"

(Receipt in evidence, marked Exhibit No. 37, February 8, 1877.)

I paid nothing for this receipt. I got this receipt on the election-day. I believe. I remember that the receipt I had that was given in 1875 was given for taxes of 1874; that is the receipt I have lost. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged against same question to former witnesses.)

Answer. I voted for James B. Reilly.

Cross-examined by Mr. Nash:

I can't say whether I read that ticket or not; nobody read it for me. It was not in November of 1874 that the tax of 1874 was paid; it was in November, 1875, it was paid. I had the McHale tax-receipt with me at the last election. I showed it to the officers. Young Davis examined it; he was appointed by the court. I don't know that any of the others looked at it. I accepted that tax-receipt for my taxes. The receipt was filled up the way it stands now when I got it. I do not know who paid those taxes. They didn't tell me anything about the Democratic standing committee paying these taxes.

JAMES O'LEARY.

Sworn and subscribed before me February 8, 1877.

SETH W. GEER.
Notary Public.

JAMES CAVANAGH sworn.

Live in Thomaston, North Cass election-district. I didn't pay any tax myself within two years before last election, but I think my mother paid it. To the best of my knowledge, it was paid in 1874 or 1875. The receipt, I think, showed that the tax was paid for the same year it was paid in. I did not see my mother pay this tax. I saw the receipt. I have not got it; they kept it at Mahan's, in the James *vs.* McKibben contest.

(Mr. Nash objects to any evidence above given and all to follow relative to payment of taxes on, the ground that the receipt, being in existence, is the best evidence, and parol evidence cannot be given of its contents.)

I voted at the last election. The taxes that I claim my mother paid for me is the tax for which the receipt that Commissioner Haughawout kept from me was given.

Question. For whom did you vote for member of Congress at last election?

(Objected to by Mr. Nash, for the same reasons urged against same question to former witnesses.)

Answer. To the best of my knowledge I voted for James B. Reilly for Congress. Thomas Eagan gave me my ticket.

Cross-examined by Mr. Nash:

I did not read my ticket, and nobody read it for me. I can't swear from my personal knowledge that I voted for Reilly, only the man that handed me my ticket was a Democrat. I saw the tax-receipt after my mother paid for it. The receipt must have been in 1875.

his
JAMES + CAVANAGH.
mark.

Sworn and subscribed before me February 8, 1877.

SETH W. GEER,
Notary Public.

JEREMIAH CURRAN sworn.

I live at Coal Castle, North Cass election-district. Will be thirty-two years old the 27th of August next. I have not paid a State or county tax within two years previous to last election that I know of. I have got a receipt from the tax-collector, James O'Malley, but I never paid him anything for it. I can't tell you when I got it. I got it while O'Malley was collecting tax. I got one of him in 1875, that I am sure of; but I can't tell the month. I had another tax-receipt before the election. Anthony McHale gave me that receipt. I can't exactly tell the day. I got mine amongst the rest that I got to give to other parties. I can't tell you all the parties for whom I got receipts. The purpose for which they were got was for parties to vote on. I believe I got may be thirty receipts more or less. I gave these receipts that were given to me out to parties. I did not give them all out. And I gave some of these receipts to parties who did not vote at all. I did not keep a list of those parties to whom I gave these receipts. I did not keep any account of the moneys for these receipts. I filled all the receipts with the exception of a very few.

I got those receipts all signed by Anthony McHale, in blank, with very few exceptions; and those that were in blank and not signed by McHale I didn't give out at all. I didn't receive any money; never received a cent of Anthony McHale's taxes. I filled out the amounts on these receipts myself, all with the exception of a few that McHale had filled out. I never made any return to McHale of the number of receipts I gave out. I believe I told McHale the names of a few that I gave receipts to, but I made no list. I did not make a return to McHale of all the receipts I gave out. I made no return whatever; I told him about it. I did not give McHale any return of the amount represented by these receipts. McHale did not ask me to give him a return of the amount represented by these receipts. McHale asked me, about the beginning of September or the latter part of August, to meet him in Minersville; and I met him in Minersville, and he asked me to know how many I thought had no receipts; and I made a rough guess at it at that time, and I told him may be thirty receipts, more or less, I needed, and he furnished them receipts with his name signed to them. He gave to when his name was not signed, and them I did not give out. He told me those receipts that he gave me in bulk were paid for by the Democratic standing committee. This conversation occurred in Minersville some time in the latter part of August or beginning of September. He did not ask me afterwards to give him "the list of names of the parties to whom you gave those receipts"; we haven't settled that up yet. If he should require that of me it would take me some time to get it. I gave a good many of them out on election-day; some before election-day. I had those in my possession from a little after the time we met, and hold some of them yet. I told you I did not

make a list of the names to whom I gave those receipts. I had nothing to do with the assessment-lists when I gave out those receipts. We have a registry-list up at the polls. I had not a copy of the registry-lists with me at the time I gave out these receipts. I gave them to parties that I knew to be voters. I had nothing to do with the assessment-lists. I had not a copy of them when I filled out the amounts of these receipts. I gave these receipts to parties whom I knew to be miners at one $\frac{65}{100}$ dollars, whom I knew to be assessed so; and I gave them I knew to be laborers at 83 and 87 cents. I made a mistake of a few cents of them. I can't say that I gave any for less than 83 cents; don't think I did. I did vote at the last election myself.

Question. For whom did you vote for member of Congress at last election?

(Objected to for same reasons urged against same question to former witnesses.)

Answer. I voted for James B. Reilly. I did give out tickets on the day of the election.

Q. Who was on the tickets that you gave to voters on the day of the election as candidate for member of Congress?

(Objected to by Mr. Nash, that the ballots are the best evidence; second, even if this were not so, the voters must have been proven to have voted illegally, before this question can be legally; and, therefore, the voters' names must be individually mentioned.)

A. James B. Reilly's name was on the tickets I gave out. I believe I gave Patrick McDonald a ticket that day. James B. Reilly's name was on that ticket.

(Incumbent objects to all questions to this witness upon this subject for same reasons as above stated.)

Witness proceeds:

I gave a ticket to William Walsh. Reilly's name was on that ticket for Congress. Any man I gave a ticket to Reilly's name was on it. I won't be positive, but I think I gave a ticket to Patrick Coogan that day, and if I gave him a ticket Reilly's name was on it for Congress. I can't say that I gave a ticket to Philip Shore; can't say whether I did or not.

Q. If you did give a ticket to Philip Shore, whose name was on it for Congress?

(Objected to because witness has sworn he didn't know that he did give him a ticket, and the question is hypothetical, and for foregoing reasons.)

A. If I did give him a ticket, which I don't know if I did, Reilly's name was on it.

Cross-examined:

O'Malley gave me a receipt the last year he was collecting tax. It was for the year 1875 he gave it to me, but I never paid him for that receipt, I want you to notice. I did not take that receipt to the last election. I had McHale's receipt filled up at the last election. I can't exactly tell you the date of that receipt. I am certain it was thirty days before the last election. I showed it to the election-officers, and they took my vote. McHale gave me some receipts on that night, and others he sent over to me afterward. The night I refer to is the night of the meeting in Minersville. It might be the receipts were sent over to me a week or two afterward, may be more or less; I can't say. When I got them McHale's name was signed to the receipts I got. With the exception of a few, the dates were fixed by McHale himself. McHale authorized me to fill in the names of the parties to whom they were to be given. McHale called

on me to see how many poor persons there were that wanted tax-receipts instead of me calling on him, and he told me the Democratic standing committee had paid for those receipts. He told me to class the miners that were on the registry-list and the laborers. The miners' assessment was one sixty-five, and the laborers one-half that. I made some mistakes with the amounts to the laborers of a few cents. Those receipts were signed by McHale and dated before the election; over thirty days before—I don't think they were any less than that—and sent some of them to me, and some of them given to me that night. There is a Patrick Mulhall up at Heckscherville. I did not give out any receipts dated later than the 5th of October, 1876. Yes, sir; I am positive that I gave no receipts dated later than that.

Redirect:

I am a miner by occupation; I do not consider myself so poor that I could not pay my tax last year, nor any year. It was to my option to give receipts to whom I pleased; I did not give the receipts only to those who were too poor to pay their taxes. HcHale authorized me to fill up these receipts; he appointed me duputy collector; he authorized me verbally. He gave me authority, in writing, to give those receipts to persons voting the Democratic ticket, on our side of the mountain, who wanted them. I have not got that writing now. It is more than I can tell you what has became of it. He did not give me the writing that night; he authorized me that night; he didn't give it to me at all; I received it through another man; another man brought it to me. I don't know his name; he is a man that drives from Minersville, here out. This writing had not the approval of the county commissioners on it. I never entered into bond as deputy collector. I filled out the names and the amounts on some of them. I filled out the names and amounts at different days, just as I felt like it; would fill out some one day and then put them by till another time. I filled out some of the amounts and names on election-day. I filled them out with a pencil furnished by Mr. McHale; he furnished the pencil; I was too poor to buy it; it was a blue pencil, or a crayon; it wrote blue anyhow. I live about two and a half miles from McHale's, across the hill.

Recross-examined:

I used that pencil in fillng out all the receipts.

JEREMIAH CURRAN.

Sworn and subscribed before me February 8, 1877.

SETH W. GEER,
Notary Public.

Adjourned to meet to-morrow, February 9, 1877, at 9 o'clock a. m., at same place.

FRIDAY, *February* 9, 1877.

Examination resumed. Present, C. N. Brunner, esq., for contestant, and John A. Nash, esq., for incumbent.

MICHAEL SHORE sworn.

I live at Heckscherville, North Cass election-district. I have paid a State or county tax within two years prior to last election.

(Shows a receipt, dated Cass Township, November 21, 1874. "Received of Michael Shore one dollar 11 cents, State, county, and road tax for the year 1874. (Signed) J. O'Malley, collector").

I paid this tax to O'Malley myself. I am about sixty-three years of age; was born in Ireland; came to this country in 1842, 5th of April.

I swore before a court in the United States, in reference to my citizenship. I swore at Orwigsburg. I swore twice, declared my intention first, and then for my full paper. I did not vote at the last election. There are two other Michael Shores in North Cass. One of them is my son, who did not vote, the other I know nothing about.

MICHAEL SHORE.

Sworn and subscibed before me February 9, 1877.

SETH W. GEAR,
Notary Public.

CHARLES ZUPPERT sworn.

I live at Jonestown, South Cass election-district. I will be twenty-four years old the 19th of May next. I did not myself pay any State or county tax within two years before last election, but it was paid for me. I did not see it paid for me. My father had worked for McHale, and he said he would make the taxes all right. I heard McHale say so. I can't tell when he told me that. I got my receipt from McHale. He told me this after I got the receipt. I can't say whether he told me before or after the election. He told me when I got the receipt to never mind, he would not push me for it. I told him I hadn't the money with me at the time, and he said that didn't matter, he would make it all right. When I got the receipt I told him I hadn't the money, and he said he wasn't in a hurry about the money; he would see it all right if I hadn't. He didn't tell me anything else then. I asked him if he had the receipt written for me, and he said he had a receipt written. He gave me the receipt and I told him I hadn't the money. Then he said it was all right. That was all that was said there.

(Contestant pleads surprise at this witness, as witness swears different now than information received through said witness heretofore.)

Incumbent objects to above going upon record, because there is no evidence of truth of contestant's statement, and the notes of testimony in this case show no cause of surprise.)

Witness proceeds:

I couldn't tell you the date I heard McHale say my receipt was paid for, but I heard him say it.

Question. Did he tell you that since election?

(Objected to as cross-examination and immaterial, and no evidence of the destruction or loss of the receipt; it must be produced before any examination relating to it.)

Answer. I don't remember whether McHale told me my receipt was paid for before or after the election. I can't remember how long it was after I got the receipt that McHale told me it was paid for. It was here in town he told me that. It was in some saloon in town here he told me—think it was in Harry Oerthus's. There was no one but McHale and I present at the time. I asked him how it was with the tax, whether I had to pay it or not, and he said it was paid. He told me that mine and my father's was all right. He said nothing more. I can't say whether it was since last Christmas or not—it was somewhere around that or before that. It is more likely to be before that than after it.

Q. Was it since the snow was on the ground?

(Objected. It is leading cross-examination and immaterial.)

A. I don't know whether there was snow then or not. I don't remember whether it was since or before the election he told me. It was in cold weather at the time; it was not warm weather at the time. Father worked for McHale, and he (McHale) told me that he would

make it all right through that. I can't remember exactly when he told me that. I can't say whether this was before or after the conversation at Oerthus's.

Q. If you asked him (McHale) at Oerthus's how it was about the taxes—then, was not the conversation about the payment by work after the conversation at Oerthus's?

(Objected to because witness has answered this question substantially, and this is a cross-examination to contradict, the contestant is bound by his former answers, and question is leading.)

A. Indeed I don't remember whether it was right then and there or not.

Q. Had you a conversation with McHale about the taxes before the one at Oerthus's?

(Objected to because witness has already sworn that he had, and by that the contestant is bound by his answer.)

Q. Amended. Had you a conversation with McHale about the payment of taxes before the one you had at Oerthus's, and after the one you had at the time you got the receipt?

(Incumbent asks the object of this evidence.

Contestant states the object to be to lay grounds to prove that witness is in error as to payment of his taxes, either by himself or his father, to be followed by oath of tax-collector to show that receipt was given pursuant to arrangement with the Democratic standing committee and by the father of witness; that the work alleged to have been done as payment for this tax was done since the election during last winter, and while snow was on the ground.

Incumbent replies, this question and these objects are objected to; first, that the offer is virtually a contradiction of contestant's witness, whom he has placed upon the stand, and by whose answers he is concluded; second, that in law he cannot contradict this witness by either the tax collector or the father of the witness, because his answers were brought out by contestant and he is bound by it. This to apply to all of this witness's examination upon this subject.)

Witness answers:

I can't remember; I can't say whether I had a conversation after that with him; I can't swear whether I had any conversation with McHale after the one at Oerthus's or not.

Q. Had you more than two conversations at any time with McHale about the payment of taxes to him?—A. Yes, at the pic-nic ground I had a conversation with him about the payment of taxes; he wanted the taxes of me then, and I hadn't it. It was the pic-nic up town, at the upper end in Cass Township; am not sure what pic-nic, but think it was the Mountaineer Hose Co.'s pic-nic. I hadn't the receipt at the time of the pic-nic. At the time I was at a ball here, in Minersville, I had the money for it, and he hadn't the receipt then. Don't know who kept the ball. This ball was after the pic-nic. Can't tell when it was; but I don't believe it was cold weather. Don't remember whether I had any other conversation or not. I know my father worked for McHale, because my father told me so himself, and McHale told me so too. And I believe it was at Harry Oerthus's, McHale told me father had worked for him. Father must have done hauling for McHale; that is my father's business. I can't remember when father told me he had done hauling for McHale; I can't say whether he told me this year or last; it may have been between the two; I can't answer whether it was before or after Christmas. It might have been before or it might have been

after that he told me. I can't say how long it was after McHale gave me the receipt that I had the conversation at Oerthus's; I don't remember whether it was before or after the election that my father told me he had worked for McHale; I can't remember whether it was before or after the election I had the conversation with McHale at Orethus's. It may have been before and it may have been after the election.

At the time McHale gave me this receipt I had no contract with him as to how it was to be paid for. I told him I hadn't the money with me, and he said if I hadn't he would see it right. I didn't know whether the receipt was to be paid by the Democratic committee or no. When McHale gave me the receipt I did'nt know how he was going to pay for it. He did not offer me a receipt without paying for it. I never had any other receipt for taxes; no one ever came near me for taxes before.

The tax-receipt I got was for the taxes of 1876. I don't believe I ever was assessed before. Bill Mapstone assessed me the last time; he told me he did. I did not see McHale write the receipt. He had it written before he came to me. Can't say what day of the week it was he came to me. Can't remember the day of the month. Can't say what month it was; I guess it was the month it was wrote out on, but I can't swear. I don't believe the weather was so very warm when he gave it to me; it was cool. Believe it was in Hexters's clothing-store in Minersville he gave it to me. He and I was standing together at the time; we were not talking privately. I told him I hadn't money to pay for it right away. I asked him for the receipt, and thought I had the money to pay for it, but then I hadn't quite enough, and he gave me the receipt, and he said he would see it all right. I did not count the money. I remembered I hadn't 85 cents; I had spent some of it in a saloon. I am not sure whether Alick Hexter was in the store or not. Can't remember any one else but me and McHale being there. I believe Schotzline, the cutter, was in the store, but am not certain. Can't tell whether it was Saturday night or not. I was just loafing at Hexter's. I believe they were making political speeches at the time; don't know whether it was then or not. It was after they began making political speeches around the county I got the receipt. I believe it was when that speech in front of Hexter's was being made when I got that receipt. It was over in front of Molay's they were when I first saw them. I saw lamps in front of Molay's, and a crowd. I voted at the last election.

(Receipt offered in evidence, as follows:)

"CASS TOWNSHIP, *September* 6, 1876.

"Received of Charles Supert eighty-five cents, State, county, and —— tax for the year 1876.

"ANTHONY MCHALE, *Collector.*"

(Hereto attached and marked Exhibit No. 38, February 9, 1877.)

I believe it was raining the night I got this receipt.

Q. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash, for the same reasons as urged to same question to former witnesses.)

A. I voted for Reilly for Congress.

Cross-examined:

I read part of my ticket. I saw Reilly's name on the county ticket for Congress. I didn't take my receipt up at the election—it was in the house. They did not ask any receipt from me. At the picnic, McHale

told me that he had the receipt written for me. I can't say the month the picnic was in—it wasn't just cold weather. I suppose it might be more than a month before the election—it was the mountaineer picnic. My father did work for McHale. I knew it was not a Democratic meeting the night I got my ticket. It was a Cooper concern, I heard the people say; they were mentioning Cooper's name there, any way. I heard a little dark-whiskered fellow. I believe Mr. Brunner was making a speech. I didn't hear much of it. I saw Brunner getting down off the stand when I came out of the store. Brunner may be a Republican for all I know. I know of no other political meeting in Minersville that I know of last fall. There was lamps out—they had no parade that I saw. I can't say how often I was in Hextus's clothing store last fall. I do often go in there. I can't say how long it was before the election. I don't think it was a month.

I can't say the date of this picnic, but guess I could find out by asking the members of the company. Can't say the month the ball was in that I had the money and McHale had not the receipt. I told him then I would pay him if he had the receipt. He said he hadn't it with him. Can't tell how long this was before the election—it was a good while before the election. He told me he would bring me the receipt some other time.

Redirect:

I didn't pay him anything then at the ball.

Recross-examined:

He told me at the picnic ground he would have one written for me; and he told me at the ball he had one written for me.

CHARLES ZUPPERT.

Sworn and subscribed before me February 9, 1877.

SETH W. GEER,
Notary Public.

DENNIS DOYLE sworn.

I live at Forestville, South Cass election-district. Am sixty-two or sixty-three years of age. I have, myself, within two years, paid a State or county tax. I have a receipt for 1873, and one for 1876, dated in 1877. The one I had for 1874 is lost. I paid a tax in 1874 to James O'Malley. To the best of my knowledge it was in the month of September, 1874, that I paid the tax to O'Malley. He came twice for it before I paid it, and I afterwards paid him at his own house, when I was on the road to Minersville. It was pretty warm weather when I paid it.

Question. State whether it was before the fall election of 1874 that you paid it?

(Objected to as leading.)

Answer. I think it was before the election I paid it. To the best of my knowledge I think I paid a tax in 1875 to O'Malley. I know he was after it. I can't swear positively that I paid him a tax in 1875. If I missed that one, it is the only one I missed; I have no receipt for 1875. I am sure I had one for 1874, but I am not sure I had one for 1875; If I paid any in 1875, I have no idea of what time in the year I paid it. I voted at the last election.

Q. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons as urged against same question to former witnesses.)

A. I voted the full Democratic ticket except one man, and I got his name scratched off. I know I voted for Reilley; I voted the full Democratic ticket except one man.

Cross-examined:

I can't exactly tell who gave me my ticket, but he was electioneering for the Democratic party. I did not read it well, but I got it read, though the man that gave it to me did not read it for me, but I got another man that I thought I could depend on to read it for me; George Slane read it to me, he read off the whole names and said it was the right ticket. I could not swear positively that it was before or after the election in 1874 I paid the tax, but I think it was in the month of September I paid it. I had not my 1873 tax-receipt with me when I went to vote in 1874. It is very seldom I ever took my tax-receipt to the polls. I think I had the 1874 tax-receipt with me at the spring election of 1875, but it was not asked. I could not say positive how long before the spring election of 1875 I got it. I had the tax receipt of 1874 with me at the election in 1874. I had the receipt of 1874 with me at the election in 1875.

Redirect:

I said I got this receipt in September, 1874, and I took it with me to the fall election of 1874, but it was not asked of me at that election, and I had it with me at the election in 1875. I don't think I had it along with me at two elections, but I had it with me in 1875. Jim Doyle was running for supervisor at the election at which I had the receipt; Doyle was elected in the spring of 1876, and it was at that election I had the receipt along. Slane read Reilley's name on the ticket that I voted.

Cross-examined by Mr. Nash:

He read Tilden's name off to me for President.

(Contestant objects to any questions as to Presidential election, as not material.)

I paid this tax about October, 1874, for which I had the receipt at the election that Doyle ran for supervisor. To the best of my knowledge Malley was twice at my house for the tax before I paid it. He was there in the month of June and in August, 1874. I had not this receipt at the spring election of 1874. How could I have it in the spring when I got it in the fall?

Redirect:

I never heard Tilden's name read off. I only heard he was a candidate. The receipt of 1874 I paid in warm weather, and to best of my belief in the month of September. The last time Malley was around in 1874 was in August. I believe it is October follows August; no, it is September follows August; am not sure. Think I am sure September follows August. It might be six weeks after O'Malley was there in August that I paid this tax; I think it was about six weeks; I don't think it was much longer than that; it was about that time; it was the latter part of September I paid it; I know I had pay on the 15th of September and it was after that I paid; within about two weeks.

his
DENNIS + DOYLE.
mark.

Sworn and subscribed before me February 9, 1877.

SETH W. GEER.

JOHN PURCELL sworn.

Live at Heckscherville, North Cass election-dictrict. I can't exactly tell

my age, but I am sure I am between twenty-three and twenty-five; I know I am more that twenty-two.

Question. Are you sure you are more than four months over twenty-two?

(Objected to as leading.)

I can't positively say; I know I am over twenty-two, and think I am more than four months over twenty-two. I fix my age by the time I voted on age the first time. The last election was the third time I voted. I voted at last spring election; I had voted once before I voted last spring. That is all I remember. I don't think I voted when Hartranft and Judge Pershing ran for governor. I think the first time I voted was at a township election.

Q. Do you remember whether or not you voted at the time spring election that Hughes ran for supervisor?—A. I voted at the last election. I never paid a State or county tax, but I understand it was paid for me; the man I got the receipt of said so, Jerry Curran gave me my receipt; I did not see a tax paid for this receipt.

(Receipt produced, as follows:)

"CASS TOWNSHIP, *October* 5, 1876.

"Received of John Purcell —— dollars 83 cents for State, county, and —— tax for the year 1876.

"ANTHONY MCHALE, *Collector*."

(This receipt is in evidence, hereto attached, and marked "Exhibit No. 39, February 9, 1877.")

Got this receipt on the election-day.

Q. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash for same reasons urged against same question to former witness.)

A. I couldn't say who I voted for. I got my ticket from Jeremiah Curran; I did not read my ticket; I would have read it, but it was pretty late. I am a laborer in the mines; I did not ask for any particular kind of a ticket; I was not sworn as to my age or residence at the last election.

Cross-examination by Mr. Nash:

I had this tax-receipt at the polls at last election; I presented it to the election officers, and they took my vote after seeing it. Don't think I voted at the election to send delegates to Pottsville; I voted at the last spring election last year; I don't remember any voting previous to that.

Redirect:

Q. You said you voted three times—once last fall, once at last spring, and the first time spring before last. Now, were you sworn as to your age at any of these elections?

(Objected: first, because witness was not sworn as stated in the premises to this question; second, it is a cross-examination of contestant's own witness.)

A. I didn't say as stated in the question; nor I didn't swear at any election about my age. I voted at last election on my tax-receipt.

Q. Tell us whether or not you swore awhile ago here that the time you voted at the last election was the third time you voted.

(Objected to by the incumbent because notes of testimony taken by the notary is the best evidence, and because it is a cross-examination.)

A. Yes, sir; I swore to the best of my knowledge it was the third time.

Q. Then tell us if when you voted at last spring election that was the second time you voted.

(Objected to as leading, &c.)

A. Yes, sir.

Q. Now, tell us when was the first time you voted.—A. I can't tell you when it was, but it was the time I voted on age.

JNO. PURCELL.

Sworn and subscribed before me February 9, 1877.

SETH W. GEER,
Notary Public.

EDWARD HAUGHNEY sworn.

I live at Black Heath, South Cass election-district; I was born in May, 1855, if I am not mistaken; I know that by having heard my parents say so. I never paid a State or county tax; I voted at the last election; I was not sworn as to my age; I signed no paper then; I was never assessed in Cass Township, that I know of; I was not registered, that I know of.

Question. For whom did you vote for member of Congress at last election?

(Objected to by Mr. Nash for same reasons as urged to same questions to former witnesses.)

Answer. I voted the Democratic ticket, to the best of my knowledge. To the best of my knowledge I voted for Reilly. John Tool gave me my ticket.

Cross-examined:

John Tool gave me my ticket; I did not see him read it; I saw him folding it up; it was getting a little dark, and I didn't bother; I know I never got my name on the registry-list myself. They didn't stop my vote at the polls.

EDWARD HAUGHNEY.

Sworn and subscribed before me February 9, 1877.

THOMAS TOOL sworn.

I live in Primrose, South Cass election-district; I am eighty-three years old; I paid a State or county tax. The receipt shown will tell you when I paid a State and county tax.

(Receipt produced, as follows:)

"CASS TOWNSHIP, *October* 3, 1876.

"Received of Thomas Tool —— dollars 15 cents for State, county, and —— tax for the year 1876.

"ANTHONY McHALE, *Collector.*"

I got this receipt from Anthony McHale on election-day. I paid Anthony nothing for this; did not see anybody else pay him anything for this. The year before this I paid ten cents State and county tax; I paid no tax to James O'Malley. I had a receipt from James O'Malley.

(Receipt of McHale put in evidence, and marked "Exhibit No. 40, February 9, 1877." Receipt shown, dated as follows:)

"CASS TOWNSHIP, *October* 12, 1875.

"Received of Thomas Tool —— dollars 25 —— State, county, and —— tax for the year 1875.

"J. O'MALLEY, *Collector.*"

(Offered in evidence, and marked "Exhibit No. 41, February 9, 1877.")

I did not pay O'Malley anything for this receipt, and I saw nobody else pay him for that. The last tax I paid was to John Brown. I voted the last election.

Question. For whom did you vote for Congress at the last election?

(Objected to by Mr. Nash for the same reasons as urged against same question to former witnesses.)

Answer. I voted for Reilly.

Cross-examined by Mr. Nash:

I did not read the ticket I voted. Nobody read it for me. I am hard of hearing this month. I had not the McHale tax-receipt at the polls. I had not the O'Malley tax-receipt with me at the polls. I had no tax-papers at the polls. I don't know who paid for the tax-receipt that O'Malley ——. I could not tell you where they were on the election. I was not challenged at the election. I never was challenged at any poll. I had not the receipt with my ticket when I voted.

his
THOMAS + TOOL.
mark.

Sworn and subscribed before me February 9, 1877.

SETH W. GEER,
Notary Public.

JOHN O'MALLEY sworn.

I live at Primrose, in South Cass election-district. That is where my father lives, and he has a claim on me. Think I am about 25 years of age. I am a school-teacher; have been teaching school about seven years. I am teaching now at Mahanoy Plain in Gilberton borough. That is about thirteen miles from Primrose. I have been teaching there since last September a year, September, 1875; before that, was teaching at Cass Township. James O'Malley was collector of State and county tax for Cass Township for the year 1875. Think he was the same tax-collector for the year 1874. James O'Malley, the collector, is my brother. There is another John O'Malley living there, but he writes his name John Malley. The name is sometimes spelled Maley, Malley, Mealey, and Meally. The John Malley I speak of has voted in Cass Township.

Question. In your brother James O'Malley's list of exonerations for 1875 he has returned you as having left. Now state whether you did leave the township during that year.

(Objected to because there is no proof yet shown of the premises to this question.)

Answer. My business called away from there, but I still claimed my citizenship there, as I was registered there and had my washing done there. I have not made up my mind to quit teaching at Mahanoy Plain when this term is up; that will depend on a great many circumstances. I was home almost every week during the year 1875 while my brother was collecting taxes. I spent two days of nearly every week home during that year. I did not meet my brother during that time any more frequently than other citizens of the township. I did not meet him frequently during that year. I did meet him occasionally from time to time during that year. I did not tell him I had left the township and was not subject of tax in that township. He never asked me to pay any taxes. I did not pay State or county tax for 1875.

Q. Did you pay any borough or school tax for the year 1875?

(Objected. The witness has already sworn that he is a resident of Cass Township, and by that answer contestant is concluded.)

A. I did not. I never paid any tax in Mahanoy Township. I did not pay any borough or school tax for last year. I did pay a State or county tax for last year, 1876. I paid my tax the day I went to Mahanoy Plain, September 2, 1876. I paid a dollar and sixty-five cents to Anthony McHale. I don't remember whether I paid a State and county tax for 1874, or not. I think I left to go to Mahanoy Plain on Saturday the 2d of September, 1876. I am pretty familiar with my brother James's signature.

(Receipt marked "Exhibit No. 11" shown witness.)

Q. Is that your brother James's signature to that receipt?

(Mr. Nash objects to this question and to all similar questions in regard to receipts marked exhibits, because they have been produced and proven by witnesses sworn on behalf of the contestant, and he cannot now produce witnesses to contradict or impeach them.)

A. It does not resemble my brother's handwriting.

(Receipt marked "Exhibit No. 26" shown witness.)

I think the signature to that receipt is in my brother's handwriting.

(Receipt marked "Exhibit No. 28" shown witness.)

That resembles his handwriting.

Cross-examined by Mr. Nash:

Shown receipt marked "Exhibit No. 11."

The signature to this resembles my brother's writing, but I would not swear it was his. I never voted or paid a tax in Gilberton borough. I never claimed a residence there.

(This witness is stood aside for the present.)

JOHN O'MALLEY.

Sworn and subscribed before me, February 9, 1877.

SETH W. GEER, *Notary Public.*

MICHAEL BRENNAN, W., sworn.

I live at Heckscherville, North Cass election-district. Am about 29 years of age. I have not myself paid a State or county tax within two years before last election. I did not see anybody else pay it for me. I voted at the last election.

Question. For whom did you vote for Congress at the last election?

(Objected to by Mr. Nash for same reasons as urged to same question to former witnesses.)

Answer. I couldn't say for sure. I couldn't read my ticket. No one read it for me. I got my ticket from Aleck McDonald.

Cross-examined:

I had a tax-receipt that my wife paid for me in 1875. I had this receipt at the last election. It is in my name. It is signed by James O'Malley, dated August 8, 1875, as follows:

"CASS TOWNSHIP, *August* 10, 1875.

"Received of Michael Brennan, two dollars 25 cents, State, county, and road tax for the year 187 .

"J. O'MALLEY, *Collector.*"

(Receipt offered in evidence, and marked "Exhibit No. 42, February 9, 1877.")

I showed this receipt to the election-officers.

Redirect:

The only way I know my wife paid this tax is, she told me so.

his
MICHAEL + BRENNAN.
mark.

Sworn and subscribed before me, February 9, 1877.
SETH W. GEER, *Notary Public.*

Adjourned to meet at 9 o'clock to-morrow morning, February 10, 1877.

FEBRUARY 10, 1877—9 a. m.

JAMES BUTLER sworn.

I live in the west ward of the borough of Minersville. Am between thirty-four and thirty-five years of age. I gave out a few election-tickets in South Cass election-district at the last election. I gave out some seven or eight.

Question. Who was on the tickets you gave out for member of Congress?

(Objected to by Mr. Nash: first, the ballot is the best evidence; second, the ballots not having been shown to be fraudulently cast, the evidence cannot affect the issue, and is, therefore, immaterial; third, this witness has no right to violate the secrecy of the ballot of the voters.)

Answer. James B. Reilly's name was on the tickets I gave out for Congress. James B. Reilly's name was on the ticket I gave and read to Francis Gallagher, for Congress. I can't remember whether I gave James Conway his ticket; perhaps I did.

Q. If you gave James Conway a ticket there, whose name was on it as candidate for Congress?

(Objected to by Mr. Nash, for foregoing reasons, and is based upon a hypothesis which this witness does not know to be true.)

A. James B. Reilly's. I gave Patrick Langton, known as first, his ticket; James B. Reilly's name was on that ticket for Congress. Think I gave out four tax-receipts on that day; I didn't fill them out at all. I got the receipts from Anthony McHale. McHale and John Tool were together, and McHale gave me two of the receipts, I think, and then McHale was called out and Tool gave me the others.

Cross-examined:

Q. The receipts that were given you by Tool, hadn't they been filled out by McHale?—A. I think they were. I read the ticket to Patrick Langton, and to Gallagher, but can't say whether I gave Conway a ticket or not.

Redirect:

I did not receive a cent for any of the tax-receipts I gave to parties.

Recross-examined:

Q. You were merely the agent to carry the tax-receipts to the parties to whom you gave them?—A. I was Anthony McHale's agent that day.

JAMES BUTLER.

Sworn and subscribed before me, February 10, 1877.
SETH W. GEER, *Notary Public.*

PETER MCAVOY sworn.

I live at Heckscherville, North Cass election-district. Am about thirty-seven years of age. Born in Cass Township. I have not myself paid a State or county tax within two years previous to last election; my wife paid it. I have a receipt (produced):

"CASS TOWNSHIP, *November* 20, 1874.

"Received of Peter McAvoy, one dollar 50 cents, State, county, and —— tax for the year 1874.

"J. O'MALLEY, *Collector.*"

Marked "Exhibit No. 43, February 10, 1877."

I did not see any money paid for that receipt. My wife told me when I came home she had paid it.

(This last part of the witness's answer is objected to by contestant's counsel, being hearsay, and not responsive to his question.)

I voted at last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected as heretofore.)

Answer. I voted for James B. Reilly.

Cross-examined:

I read my ticket.

PETER McAVOY.

Sworn and subscribed before me, February 10, 1877.

SETH W. GEER,
Notary Public.

PATRICK WADE sworn.

I live at Mecksburg, North Cass election-district. Am twenty-six years of age; am known as Patrick Wade, jr. There is another Patrick Wade, jr., living at Meckisburgh, North Cass election-district. I did not vote at last election.

Cross-examined:

I was served with the notice to be here last Tuesday.

PATRICK WADE.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

ANTHONY McHALE sworn.

I live at Primrose, South Cass election-district. I am tax-collector of Cass Township. I have not my duplicate with me to-day.

(This witness stood aside for the present.)

JOHN TOOL sworn.

I live at Primrose, South Cass election-district. I am going on twenty-two years of age; will be twenty-two in September next. I paid a State or county tax myself. Have a receipt. (Produced as follows:)

"CASS TOWNSHIP, *October* 2, 1876.

"Received of John O'Tool eighty-three cents, State and county tax for the year 1876.

"ANTHONY McHALE, *Collector.*"

(Receipt in evidence, and marked "Exhibit No. 44, February 10, 1877.")

I was not sworn when I voted at last election. I signed no papers at the election; they did not ask me to. I gave out tickets to voters at election.

Question. Who was on those tickets for member of Congress?

(Objected to as heretofore.)

Answer. James B. Reilly's name was on the tickets I gave out for Congress. I can't remember giving a ticket to Patrick Dunlevy. If I gave him a ticket, James B. Reilly's name was on it.

(Objected to by Mr. Nash as before.)

I think James Lynch, sr., got a tax-receipt from me that day. I did not sign that receipt for him; those receipts were signed by McHale.

I wrote nothing at all on his receipt to my knowledge. I believe I gave out other receipts that day. I did not fill in any part of those receipts. McHale gave them to me, is the way I knew he signed them. I did not see him sign them. Can't say whether I gave Richard Fitzpatrick a ticket that day; I gave out a good many tickets that day and can't say to who all I gave them.

Q. If you gave him a ticket, whose name was on it for Congress?

(Objected to for same reasons as in regard to Jos. Comming's ticket.)

A. James B. Reilly's name was on for Congress. I can't remember who I gave tickets to. If Patrick Gannon swore I gave him a ticket, I suppose Reilly's name was on it. I guess I gave Michael Kelly Cary a ticket. If I gave him one, James B. Reilly's name was on it.

(This answer is objected, same reasons as above.)

I guess I gave Nicholas Leibach a ticket. I can't say positively. I can't tell who all I gave tickets to.

Q. If you gave him one, whose name was on it?

(Objected to by Mr. Nash as before.)

A. James B. Reilly's name was on it. I can't say whether I gave Edward Houghney a ticket or not. I was at the poll when it closed; was around there. I was around the polls all day. I saw no person throw any stone or missile at the election-window. I saw the election-window just before polls were closed. I can't say whether it was the panes or sash that was broken, but there was some part of it broken. I was holding John Davis's horse while he was getting in his wagon at the time the window was broken. I don't know how the window was broken, but I guess it was done with a stone. This window was broken after or about the time the polls were closed. I can't say whether the election-officers were there with the boxes yet or not. I was outside, but I think they were there yet. I don't know who threw that stone; I heard some talk about it. You ask the man who told you to ask me about it and he can tell you. I never heard any one say he threw this stone.

Cross-examined:

I made up the tickets I gave out myself; that is, they were printed and I folded them. Sometimes I read them to the voters and sometimes I did not. I did not think it was necessary, as I always had the Democratic ticket in my hand.

JOHN TOOLE.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

PATRICK LADDEN sworn.

I live in Foster Township; am about 57 years of age. I voted at last election. I paid a State or county tax myself within two years before last election; my wife paid it; I was sitting by. Have been living in Foster Township now since 1861. I can't tell when I was naturalized; think I was in the country 7 years before I got my papers.

his
PATRICK + LADDEN.
mark.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

WILLIAM BRITT sworn.

I live in Thomaston, North Cass election-district; am about sixty-six years of age. I did not pay any tax myself, but I was present when my

girl paid it for me. (Produces receipt.) I can't mind that I paid any other tax than the one for which this receipt was given—writhin two years before last election. I did pay tax to Esq. O'Malley; my girl paid the tax to one O'Malley; I believe that O'Malley was not Esq. James O'Malley; it was one of the O'Malleys; that is what she told me. She told me at the time she came to acquaint me that he wanted the tax. I have seen Esq. O'Malley and would know him if I seen his face. I did pay other taxes to O'Malley. I can't tell when I paid tax to any of the O'Malleys before this tax; I paid none to the O'Malleys since this receipt, to the best of my knowledge; I don't know whether I paid any tax to any of the O'Malleys at all in 1874. The tax on this receipt was paid in 1875. I believe I paid fifty cents for this receipt. Don't think I know Owen O'Malley well; believe I have seen him. I seen him the day he was getting that tax for which that receipt was given. Don't think I paid any tax to Anthony McHale; it might be paid for me—I don't know. I paid none last year, I know. I do remember of having paid tax to James O'Malley; can't tell how many years it was before I paid this tax to Owen O'Malley that I paid tax to James O'Malley. I have no receipt for taxes paid to James O'Malley along; I am not able to tell whether I have any at home or not, but there should be some. I can't tell whether it is more than a year before I paid this tax that I paid tax to James O'Malley; I can't tell whether it is more than two years, but I think it is not. I cannot tell whether I paid any tax for 1874 or not.

(Receipt offered in evidence.)

"CASS TOWNSHIP, *November* 22, 1875.

"Received of William Britt 50 ——, State, county, and road tax for the year 1875.

"OWEN O'MALLEY,
"*Collector.*"

(Hereto attached, and marked "Exhibit No. 45, February 10, 1877.")

I came to this country in 1847; I have naturalization papers; I voted at the last election.

Question. For whom did you vote at last election for member of Congress?

(Objected to as before by Mr. Nash.)

Answer. I voted who was on the ticket; can't tell the name of the second man I voted for; I know James B. Reilly; I believe I did read my ticket; I don't mind whose name was on the ticket; I mind James B. Reilly's name was on the ticket.

(Cross-examination declined.)

his
WILLIAM + BRITT.
mark.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

JOSEPH FORD sworn.

I live at Taylorsville, Foster Township; am about 25 years of age; I have paid a State or county tax.

(Produces receipt as follows:)

"FOSTER TOWNSHIP, *January* 11, 1876.

"Received of Joseph Ford —— dollars for the following taxes for the year 1875: county tax, $0.75.

"JOHN KIRBY, *Collector.*"

(Receipt hereto attached and marked "Exhibit No. 46, February 10, 1877.)

I don't know when I paid the tax, but I know I paid it to him, and he brought me the receipt. I was assessed in Foster Township by M. J. O'Brian, about two years ago, coming April. I don't mind exactly when I was first assessed; I have lived in Foster about three years next June, since I came there this last time. I voted at the last election; I paid no other State or county tax within two years prior to last election, except that for which I have this receipt.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash as before.)

Answer. I voted for James B. Reilly.

(Witness answers this question after being told by the notary that he need not answer the question at this time unless he was willing to do so.)

JOSEPH FORD.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER, *Notary Public.*

JAMES DANIELS sworn.

I live at Forestville, South Cass election-district; am between fifty-five and fifty-seven years of age; I have not myself paid a State or county tax within two years previous to last election. My wife did; I did not see my wife pay any money to O'Malley.

(Receipt shown as follows:)

"CASS TOWNSHIP, *September* 18, 1875.

"Received of James Daniels two dollars 25 —— State, county, and road tax for the year 1874.

"J. O'MALLEY, *Collector.*"

(In evidence and marked "Exhibit No. 47, February 10, 1877.")

(Next receipt produced as follows:)

"CASS TOWNSHIP, *October* 14, 1876.

"Received of James Daniels —— dollars eighty-three cents, State, county, and —— tax for the year 1876.

"J. O'MALLEY, *Collector.*"

(Hereto attached and marked "Exhibit No. 48, February 10, 1877.)

Question. Anthony McHale swore the Democratic standing committee paid him for that receipt. Now state whether you saw McHale receive the money from the committee for this receipt?

(Objected to by Mr. Nash because the notes of testimony in this case does not show that McHale so swore, and that it is immaterial.)

Answer. No, sir; I did not. I did not see anybody pay McHale for this receipt. I voted at the last election.

Q. For whom did you vote for member of Congress at the last election?

(Objected to as heretofore.)

A. I can't tell, but my inclination was to vote the Democratic ticket. I did not read my ticket. Nobody read it for me. I got it from Luke McCabe.

Cross examination declined.

his
JAMES + DANIELS.
mark.

Sworn and subscribed before me the 10th February, 1877.

SETH W. GEER, *Notary Public.*

MARGARET DANIELS sworn.

I am the wife of James Daniels, the witness last above. It is about a year and a half, as near as I can think, since I paid O'Malley taxes for my husband. I can't tell how much it is on the receipt. Have no idea how much I paid. I don't know anything about the elections, but I pay all my husband's taxes. The last tax I paid for him is going on five months to the best of my knowledge; between four and five months. I paid that to McHale. I don't remember what month it was; can't tell the day of the week. McHale gave me a receipt the day I paid him. The receipt was written and all when I paid him. I cannot read. I don't know whether I paid it before last Christmas; it was four or five months ago; sure the receipt will tell you. It must have been right after a pay-day I paid him, because it is mostly right after a pay they come to get the taxes. I can't tell the month it was in at all; whatever month it was in I guess it must be after the pay I paid it. I paid him two dollars, and he gave me change out of it. I think the change he gave me was a dollar and seventeen cents, to the best of my knowledge. I don't think there was snow on the ground at the time I paid it.

(Mr. Nash objects to all this examination.)

It must have been in the summer some time; four or five months ago was not in the winter. Indeed I don't know whether it was summer or fall; can't tell how long it was before Christmas. My husband worked at Forestville, at Hock's colliery, and I am sure it was after pay-day in the month it was paid.

her
MARGARET + DANIELS.
mark.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

James Daniels recalled.

I don't have any regular pay-day at the colliery at which I work. Sometimes they pay the 6th, sometimes as late as the 20th; they do have it sometimes as early as the 5th. I do not know what time the pay-day was in October last.

his
JAMES + DANIELS.
mark.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

JOHN WHALEN sworn.

I live at Hecksherville, North Cass election-district. Am about sixty years of age. I did not myself pay a State or county tax before last election; my woman paid it; I did not see her pay it; she told me she left it at some store here in Minersville for the collector. I can't tell when I first saw this receipt. I hadn't the money when he left the receipt, and I told him I would pay it afterward, and he left the receipt, and afterward I sent him the money. I can't tell how long it was after the receipt was left there that I paid it; may be a week, and may be four or five days. I believe I saw him write this receipt; he wrote it in my own house. It was before the election he left that receipt; if it had not been before I could not have voted on it. I don't know whether she went down to pay it; don't think she went down on the date that was dated, but it was not many days after that she paid it. It was not

paid on the day it is dated; I hadn't the money at the time, and I told him to give me the receipt and I would pay him in a few days. I did not see my wife pay for this.

(Receipt produced dated October 6, 1876, hereto attached and marked "Exhibit No. 49, February 10, 1877.")

This is the receipt I voted on. I paid no tax to James O'Malley. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected by Mr. Nash as before.)

Answer. I voted the Democratic ticket all through, to the best of my opinion. I couldn't read my ticket. I did not have anybody else read it. I either got it from Alick McDonald or Jerry Curran. I got my ticket.

Cross-examined by Mr. Nash:

I had that receipt with me at the polls. I showed it to the election officers. I can't tell when I paid the last tax before that for which this receipt was given; cannot tell whether it was to Alick McDonald or John Brown. Know J. Brown served tax. I don't know how long it was after I got this receipt that I paid McHale; it was not many days.

his
JOHN + WHALEN.
mark.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

James Leary recalled.

(Incumbent objects to recalling this witness.)

I gave out some tickets at South Cass election-district at the last election. I believe I gave Michael Daley a ticket that day.

(Objected to as heretofore.)

James B. Reilly's name was on that ticket for Congress. I did not, to my knowledge, give James Doyle a ticket. I gave out a good many tickets, but I don't remember James Doyle. James B. Reilly's name was on whatever tickets I gave out that day for Congress.

Cross-examined:

If a man required the tickets that I gave out to be read to him, I read it to him. I folded them up. I folded each one as it was called for. I had the tickets open in my hand. I would not swear positively that Michael Daley got a ticket from me; but, as I said before, I believe he did. I think it was about 3 or 4 o'clock in the day, as near as I can recollect. He was in his clean clothes. If my memory serves me right, it was outside of the house.

JAMES O'LEARY.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

HUMPHREY HORAN sworn.

I live in Mecksburg, North Cass election; am about 40 years of age. I myself paid a State or county tax within two years previous to last election. (Shows receipts.) The only State or county tax I have paid within two years previous to last election is what is represented by these two receipts. I think my wife paid to James O'Malley; and I paid the one to Owen O'Malley.

(Tax-receipts put in evidence; the one dated Cass Township, October 15, 1875, Humphrey Horan's taxes for 1874; receipt hereto attached, and marked Exhibit No. 50, February 10, 1877; and the other is a receipt dated November 23, 1875, for Humphrey Horan's tax for 1875, signed by Owen O'Malley, collector, hereto attached and marked Exhibit No. 51, February 10, 1877.)

I was born in Ireland. Am in the country about twenty-four years. I came to the country in 1852. My parents were not with me when I came over. I was not married. Think I was about 16 years of age when I came over. I know I was 16 years of age because my sister told me.

(Witness produces naturalization-certificate—A "miner's papers.")

I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to as usual.)

Answer. I voted the Democratic ticket. I knew John O'Brien 7 or 8 years before I got my papers; I can't tell just how long. I did not read my ticket; looked at my ticket and saw some names on my ticket. I saw James B. Reilly's name on it.

Cross-examined by Mr. Nash:

I paid the tax to Owen O'Malley. He said he was collecting the State and county tax; I don't know that he had that State and county duplicate with him; I was not present when my wife paid the tax to James O'Malley; Owen O'Malley said at the time he gave me the receipt that he was James O'Malley's father; I think he said James was gone away, and he was taking it up for James; I had one of those receipts at the polls when I voted; I had the one signed by Owen O'Malley at the last election when I voted; I showed it to the election-officers when I voted.

HUMPHREY HORAN.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

JAMES MOORE sworn.

Live at Thomaston, North Cass election-district; can't say exactly how old I am, but by hearsay I am thirty-four years of age; I have not myself paid a State or county tax within two years before last election; I saw nobody else pay any for me; I paid none on this receipt; the way I got the receipt is, James O'Malley came to me at the work and told me he had paid the cost for me; and I told him I would make it all right with him, to give me the receipt, and he gave me the receipt; I did not pay him for it since; I have no other receipt for taxes paid by me within two years before the last election; I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash as heretofore.)

Answer. I voted for James B. Reilly.

Cross-examined by Mr. Nash:

I read my ticket.

Q. Produce the receipt referred to in the direct examination.

(Receipt produced and witness reads as follows: "Cass Township, September 11, 1875. Received of James Moore one dollar and four cents——

(Contestant's counsel objects to witness reading from a paper as a matter of evidence in this case. Witness proceeds:)

—— 6.50 —— State, county, and —— tax for the year 1875." Figure $1.50. Signed by J. O'Malley, collector. This is the receipt I referred to when Mr. Brunner was examining me. I had that receipt with me at the last election. I showed it to the election-officer.

JAMES MOORE.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

JOHN MOORE sworn.

I live at Thomaston, North Cass election-district; am about sixty years of age; I guess I have paid a State and county tax within two years previous to last election.

(Produces receipt dated October 12, 1875, for taxes of John Moore for 1875, signed by J. O'Malley, collector, for seventy-five cents. Receipt hereto attached, and marked Exhibit No. 52, February 10, 1877.)

I paid no tax in 1874, and I paid none last year. I voted at last election on this tax-receipt. I paid the money for this receipt myself.

(Exhibit No. 52 returned to witness.)

his
JOHN + MOORE.
mark.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

WILLIAM MOORE sworn.

Live in Heckscherville, North Cass election-district; am going on sixty-five years of age; have lost my papers; am in the country forty-one years. I swore in Orwigsburg and in Pottsville both about my citizenship. I think I paid a State county tax within two years before last election; paid it to Malley once. I paid tax to McHale, I guess a couple of months.

(No cross-examination.)

his
WILLIAM + MOORE.
mark.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

PATRICK MURPHY sworn.

I live in North Cass election-district. Am between thirty-six and thirty-seven years of age. Was born in Ireland. I am not sure whether I came to this country in 1850 or in 1851. I have not myself paid any State or county tax within two years. My wife paid it for me.

(Receipt shown.)

PATRICK MURPHY.

Sworn and subscribed before me February 10, 1877.

WILLIAM MCMURTRIE sworn.

Live at Coal Castle, North Cass election-district. Am between twenty-five and twenty-six years of age. I have not, to the best of my knowledge, paid a State or county tax within the two years before the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash as heretofore.)

Answer. I voted for James B. Reilly. I got a ticket from Jeremiah Curran, and gave it to Michael Quinn. I got a receipt, not an election ticket. I gave no person a ticket, that I know of.

Cross-examined by Mr. Nash:

I read my ticket, and know who was on it for Congress. I had no tax-receipt furnished me for this election. I had a receipt dated in 1874, sometime in December, signed by James O'Malley, made out to me, for State and county tax for 1874. I don't know by whom that was paid for me. I had that receipt at the election and exhibited it to the election-officers. When I got that receipt I accepted it as a payment of my tax.

WM. McMURTRIE.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

PATRICK CRANEY sworn.

I live at Thomaston, North Cass election-district; am about thirty-seven years of age. I was born in Ireland. I mislaid or lost my papers. Came to this country in 1860. I went to Pottsville to swear in reference to my citizenship. I went twice; once for my first papers and next for my full papers. I have not, myself, paid a State or county tax within two years. I voted at last election.

Question. For whom did you vote, for member of Congress, at last election?

(Objected to by Mr. Nash same as heretofore.)

Answer. I voted for James B. Reilly on the Democratic ticket.

Cross-examined by Mr. Nash:

Read a portion of my ticket and saw Reilly's name on it for Congress. I don't believe my wife or anybody else paid any State or county tax for me within two years before last election. I got a tax receipt at the polls the day of the election. It is more than I know who paid for it; I suppose the committee was to pay for it; I understood so.

(Receipt produced and put in evidence, dated October 5, 1876, for Patrick Craney's taxes for 1876, for $1.65, signed by Anthony McHale, hereto attached, and marked Exhibit No. 53, February 10, 1877.)

I had this receipt with me at the polls last election. I got it there. I showed it to the election-officers and they inspected it and took my vote. Paid no tax to O'Malley. I paid none in any other township.

his
PATRICK + CRANEY.
mark.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

JAMES NOLAN sworn.

Live at Coal Castle, North Cass election-district. Am about forty-five years of age. I paid no taxes myself, within two years past. I saw some paid for me in 1876, that was paid in December since the election.

(Shown receipt given by O'Malley, dated January 11, 1875. "Received of James Nolan, two dollars and twenty-five cents, State, county, and road tax for the year 1874, Signed J. O'Malley, collector." Receipt hereto attached, and marked Exhibit No. 54, February 10, 1877.)

I saw nobody pay the money for this receipt; my wife paid it, and

this is the receipt I voted on. I have naturalization-papers. I voted at last election.

Question. For whom did you vote, at last election for member of Congress?

(Objected to by Mr. Nash as heretofore.)

Answer. I voted for Mr. Reilly.

Cross-examined by Mr. Nash:

I looked at my ticket. I paid no tax for 1875, that is, no State or county tax.

his
JAMES + NOLAN.
mark.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

MARTIN O'BRIEN sworn.

Live at Forestville, South Cass election-district. Am about forty-seven years of age. I have paid no State or county tax since 1874. (Shows receipt dated December 14, 1874, for Martin O'Brien's taxes for 1874.) I paid this tax myself to James O'Malley, on the day this receipt is dated. I have my citizen's papers with me. (Shows certificate of naturalization.) Came to this country at about 12 years of age.

his
MARTIN + O'BRIEN.
mark.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

JAMES FADDEN sworn.

I live in Primrose, South Cass election-district. Am about fifty-six years of age. I have myself paid a State and county tax within two years before last election. There is no other tax-payer, James Fadden, in Cass Township that I know. I paid it with a Cass Township road-order—about $3; he gave me nothing to boot. I gave him that order the day he gave me this receipt.

(Receipt is dated October 14, 1875, for $1.50, paid by James Fadden for tax of 1875; signed by James O'Malley. Receipt in evidence, hereto attached, and marked Exhibit No. 55, February 10, 1877.)

I have paid no other tax within the last two years for myself. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to as heretofore.)

Answer. I voted for James B. Reilly.

Cross-examined:

I read my ticket. O'Malley's father was at this time collecting the road-tax for that township; he was township treasurer also. This township order was for work done on the road the year James O'Malley was treasurer of the township. James O'Malley was himself the treasurer at the time the order was drawn, but his father, Owen O'Malley, was the treasurer at the time I gave him the order.

his
JAMES + FADDEN.
mark.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

THOMAS GIBBONS sworn.

Live at Primrose, North Cass election-district. I gave out some tickets on the last election-day.

Question. Did you give any to James Dougherty?

(Objected as heretofore by Mr. Nash.)

Answer. I gave James Dougherty a ticket. James B. Reilly's name was on that ticket for Congress. I think I gave out some more tickets on that day.

Q. If you gave any more out, whose name was on them for Congress?

(Objected to by Mr. Nash for foregoing reasons and witness does not know that he gave out any tickets, and is therefore based upon facts that may or may not exist.)

A. Reilly's name was on any tickets I gave out for Congress. I read all the tickets I gave out before I gave them to the parties to vote. I folded the tickets myself and gave them to the parties. I did not see them vote the tickets I gave them. I can swear positively I gave Dougherty his ticket. It was in the afternoon Dougherty voted.

THOMAS GIBBONS.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

WILLIAM COOK sworn.

I live at Primrose, South Cass election-district. Am sixty-three years of age. I have paid a State or county tax within two years before last election. I paid it to James O'Malley. I paid it in 1875, for the tax of 1875. Think I paid it in October. I paid him in money. It was not a large bill; only twenty-five cents. I can't say what became of that receipt. I put it in my pocket and I lost it. I am sure that was for 1875. I had not paid the tax for 1874; I paid it in 1875 for 1875. I cannot read.

Question. For whom did you vote for Congres at the last election?

(Objected to by Mr. Nash for former reasons.)

Answer. To the best of my opinion, I voted for Reilly; my ticket was read for me by Anthony McHale. I got it from him.

his
WILLIAM + COOK.
mark.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

MICHAEL KELLY, Jr., sworn.

I gave out tickets at the last election-day. I gave a ticket to Patrick Joyce.

(Mr. Nash objects as heretofore.)

James B. Reilly's name was on that ticket for Congress. I gave a ticket to Richard Canfield. Reilly's name was on that ticket for Congress. I gave out a good many other tickets that day. James B. Reilly's name was on all the tickets I gave out that day as a candidate for Congress.

Cross-examination:

I didn't fold all the tickets I gave out that day. They were folded up loose when I got them. I did not open and read them all; of course, if they asked me, I opened and read them. I don't think I opened and read the ticket to Patrick Joyce. He asked me if that was the right ticket, and I told him yes. I don't remember whether I read Richard Canfield's ticket to him or not.

Redirect.

The tickets I got, I can't tell from whom I get them. All the tickets I gave out I could tell what they were by reading. They had a different heading from the other tickets.

Recross examined:

I saw no tickets there with Nutting's name at the head and the balance the Democratic ticket. I heard there were some such, but I saw none.

MICHAEL KELLY.

Sworn and subscribed before me February 10, 1877.

JOHN KELLY sworn.

I live at Primrose, South Cass election-district. Am about 29 years of age. I have not myself paid any State or county tax within two years previous to last election. I voted at last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash as heretofore.)

Answer. For James B. Reilly. I did not see anybody pay any tax for me. I gave out some tickets on last election-day. I gave a ticket to John Leary. Reilly's name was on that for Congress.

(Objected to as usual by Mr. Nash.)

Cross-examined:

I did not read my ticket; nobody read it for me. I did not read any of the tickets I gave out that day. As far as I am personally concerned, I don't know who was on the tickets I gave out. I understood there was a tax paid for me prior to last election. I had a receipt for 1874. I did not present that to the election-board. I had a receipt for that. I have not the receipt. I don't know who paid the tax for which I had the receipt. I had the receipt; it is in the house, I think. James O'Malley was the collector whose name was to my receipt. I can't say its date. It was some time in 1874, and was for 1874 tax. That was not the receipt I voted on. I voted on the '76 receipt; I have the '76 receipt with me.

(Produces receipt dated Oct. 4, 1876, for John Kelly's State and county tax for 1876, am. $\frac{65}{100}$ dollars, signed by McHale.

Receipt in evidence, hereto attached, and marked "Exhibit No. 56, February 10, 1876.")

This receipt was sent to me by Anthony McHale. I had this receipt with me at the election. I did not show it. It was not asked of me. I don't exactly know who paid that receipt for me.

(Contestant's counsel objects to any testimony based on hearsay.)

I understood somebody in Pottsville paid it for me. I heard so.

JOHN KELLY.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

JAMES T. KELLY sworn.

I live at Primrose, South Cass election-district. Am thirty-one years old last birth-day. I may have given out a few. I am not positive that I gave a ticket to John Menealis, but think I did. If I gave him a ticket, James B. Reilly's name was on it for Congress.

(Objected to by Mr. Nash for same reasons as heretofore.)

Nobody else's name was on any ticket I gave out that day. Any ticket I gave out that day had James B. Reilly's name on for Congress.

Question. Your brother Michael swore here that he thought he had the leasehold estate in his name, upon which a stable, occupied by Anthony McHale for his wagon, &c., while he was butchering, was in his, your brother Michael's, name. State whether he had any such leasehold estate at that time.

(Objected to as an attempt to contradict contestant's own witness, by whose answers they are bound.)

The lease is now and has been for some time in mother's name. It was previously in Michael's name, and was changed or transferred to mother's name without his knowledge, as far as I know. This transfer to my mother was before it was occupied by McHale. The lease in my brother's name had run out.

Cross-examined by Mr. Nash:

Most likely. I folded or put up the tickets I gave out. I am strongly of the opinion that I did give a ticket to Menealis. I am pretty positive upon that subject. I am not positive that I read it to him, but I expected he wanted the Democratic ticket, and I gave him that, if any. Any tickets I had in charge were in an unfolded state when I got them, and I may have folded them afterward. I don't remember the time I gave him the ticket; think it was was in the afternoon; can't remember whether he had on his working or his shifting clothes, but think it was his shifting clothes. Can't say that my brother specially managed the property there; have always regarded my mother as the manager of that leasehold estate. My mother was the administratrix to the property. I know that after the decease of my father my mother was his administratrix, and I so recognize her since. I so regarded my mother as the administratrix of this estate. I cannot give anything very definite about the expiration of my brother's lease, though I could give it if I could go home and see the papers. I can't say specially that there was any apparent change in the management of that property since the lease was in my mother's name from what it was when in his name. No notice was given my brother to leave at expiration of lease; no means were taken to dispossess my brother at the expiration of his term. Mike was never made aware of the fact that my mother had become the lessee. I can't saythat it was brother Mike who allowed McHale to take his stock there.

JAMES F. KELLY.

Sworn and subscribed before me February 10, 1877.

SETH W. GEER,
Notary Public.

PATRICK MCHALE sworn.

I live at Primrose, South Cass election-district; am 28 years of age. I did not myself pay a State or county tax within two years before last election. I voted at the last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to as usual by Mr. Nash.)

Answer. I voted for James B. Reilly.

Cross examined:

I read Reilly's name on my ticket, and that is all. I had a receipt furnished me for the 1876 tax. This was furnished me on the 2d of October, 1876. This was furnished me by Anthony McHale, the collector.

(Receipt produced in evidence is for 83 cents, State and county tax of Patrick McHale for 1876. Hereto attached, and marked "Exhibit No. 57, February 10, 1877.")

This was furnished me on the day it is dated; had it at the election. It was not asked of me at the election. I gave him a dollar on that day myself. He did not give me the change back, nor I don't want it back. When I gave him the dollar he furnished me with the receipt. I received that receipt thirty days and more before the election.

Redirect:

(Contestant pleads great surprise at the evidence of this witness.)

Q. Do you swear that you paid your brother a dollar for taxes on the day that this receipt is dated?

(Objected to because leading and cross-examination. This to apply to all direct questions to this witness.)

A. I gave him a dollar on that date. Yes, sir; I gave him a dollar on that date for taxes—Witness explains that that was blunder up there that day—I got into a bother; knocked out of my feeling, and I didn't know rightly what I was saying. My brother did give me this receipt, the day it is dated, into my own hand. I made another mistake up there that day when I said Anthony gave me the receipt the day I came down there. I think there is one or two more mistakes I made up there that day that I can't think of now.

Q. Do you swear now that this receipt was not given to you in the payment of a debt your brother owed you long before last election?—A. No, sir; it was not given to me for a debt.

Q. Do you now swear that you did not loan a dollar to your brother Anthony, and that Anthony, some time after you had loaned him that dollar, gave you this receipt on account of that loan?

(Objected to as immaterial and as before.)

A. I did not loan it to him. No, sir; nor I didn't loan it to him. That is where I made a mistake up there. I said I had loaned him a dollar.

(Witness stood aside for the present.)

ANTHONY MCHALE recalled.

I have not my tax duplicate with me now.

Question. Did James Adams, of North Cass, pay you, in cash, a State or county tax for last year?—Answer. I don't know; can't say now. James Butler, of South Cass, did not pay me a tax himself. James Butler got a receipt from me for tax last year. Martin Brennan, of South Cass, did not pay me personally in cash a tax last year. I think I gave him a receipt.

Q. Did John Butler, of South Cass, pay you personally any tax for last year?—A. No; he did not. I think I gave John Butler a receipt.

Q. Did Patrick Barney pay you personally any tax for last year?—A. No; he didn't pay me any tax. I did give him a receipt. I think I gave him a receipt.

Q. Did John Cochlin, of South Cass election-district, personally pay you any tax last year?—A. I think he paid me. The way it is marked on my duplicate I cannot tell. It is marked paid on my duplicate. The man is the best evidence himself of whether he paid me or not.

Q. Did William Cook himself pay you personally his tax for last year in cash?—A. No; he did not personally pay me his tax in cash last year. His tax was paid by the Democratic party about six weeks before the election. It was a month anyhow before the election. I took them for

payment of his taxes in Pottsville, at their committee-room at their head-quarters.

Q. How did they pay, in cash or by check, or how?—A. I took their word for it, and if they didn't pay me I was good for it myself. I did not have any written agreement. Did not ask any. We did not agree upon any specified sum they were to pay. There was no sum mentioned.

Q. Did you agree upon the persons whose taxes were to be paid?—A. No; there was no certain persons named. We did not agree upon the number of persons whose taxes were to be paid. We did not fix any time at which these taxes were to be paid.

Q. Were these taxes ever paid by them?—A. No; they haven't been paid yet. I haven't settled up with the county treasurer yet.

Q. Have you made a return to the county commissioners as yet for whom you claim exonerations?—A. Yes; I have made a return to the county commissioners.

Q. Have you returned to the county treasurer any moneys collected by you for taxes for last year?—A. Yes; I have, five or six times. I can't say how often since election. I think I returned some before election. I believe I did return some before I made this arrangement with the Democratic committee.

Q. Did you at any time since you made the arrangement with the Democratic committee return all the money you had collected for taxes up to the time you made payment to the county treasurer?—A. I can't say that I did. I can't tell now when I made the last return to the treasurer. I made the last return some time after the election.

Q. About how much money remained in your hands after you made your last payment to the treasurer?—A. I can't say. I am not going to give you an idea, because I can't. I don't think it was more than two hundred; don't think it was more than one hundred dollars. Can't say whether it was more than fifty. I can't say whether it was less than twenty-five.

Q. Up to the time you made that last payment to the county treasurer, had anybody paid you any money for the tax-receipts given out by you pursuant to the arrangement made with the Democratic party or committee?—A. No; there was no money paid to me up to that time.

Q. Up to the time of your last payment to the county treasurer, and including that payment, did you yourself pay any money to the county treasurer for all or any of the tax-receipts given out by you or by your orders, pursuant to aforesaid arrangement with the Democratic party or committee?—A. I don't know; there might be some money paid in for those receipts. Of course I hold myself responsible for the receipts given out, and whatever money may have been paid in may have been paid in part or the whole of it for those receipts.

Q. Have you paid any more money into the county treasury than you have actually collected for taxes?—A. No; I have never paid in all I collected.

Q. Did you at any time you paid money to the county treasurer, pay more money than you had actually collected in cash for the payment of taxes up to any of the times or occasions that you made said payments, less the amounts of your commissions?—A. I can't say whether I did or not.

Q. Had you at any time paid more money than you had collected in cash including your commissions?—A. I can't say.

Q. Can you tell us now how many tax-receipts you issued, or ordered

to be issued, pursuant to the arrangement with the Democratic party?—A. I can't tell.

Q. Can you tell now how much money the receipts represent that you issued, or caused to be issued, pursuant to said arrangement?—A. No, I can't tell you now.

Q. Have you got a list of the names of persons to whom you issued, or caused to be issued, pursuant to said arrangement?—A. No, sir, I have not.

Q. Can you, by referring to your duplicate, give us the names of persons to whom you issued receipts pursuant to said arrangement?—A. I might be able to tell some of them—some persons that I know; but I can't tell by my duplicate; they are all marked paid alike. The only difference is, some are marked with black lead and some with blue lead.

Q. Can you in any way ascertain all the names of the persons to whom you issued, or caused to be issued, receipts under the said arrangements?—A. No; I cannot tell all the names in any way.

Q. Can you in any way ascertain the amount of money represented by all the receipts you issued or caused to be issued pursuant to said arrangement?—A. I can't tell.

Q. Did you issue or caused to be issued any receipts to any person or persons not on your duplicate?—A. Not that I know of.

Q. Did you have a deputy or deputies appointed as tax-collector under you?—A. No; I did not have more than one, and that one was Jeremiah Curran.

Q. Did you send his name in for approval to the county commissioners?—A. No; I did not. There was no bond filed for him; it didn't need any bond filed for him.

Q. Did you authorize him to fill out blank receipts for you?—A. None that my name was not on.

Q. Did you give him any blank receipts without any writing on them at all?—A. There may have been some mixed in with the others.

Q. Did you give him any of your printed forms of receipts signed by you in blank?—A. Yes; I believe I did. I can't say how many; can't say about how many.

Q. Did you furnish him with a list of parties to whom they were to be given?—A. No, sir, I did not.

Q. Did he ever make a return to you of the number of receipts he issued, or the amounts they represented in money, or the persons to whom they were issued?—A. I can't say whether he did or not.

Q. Have you any way now of ascertaining the number of receipts that were issued by Jeremiah Curran, your deputy, and the amount of money they represent, and the names of the persons to whom they were issued?—A. No, sir; I have not now.

Q. Did you ever give Jerry Curran your duplicate or a copy of it?—A. Not that I know of. I never, that I know of, furnished him a partial copy of my duplicate. I never furnished him with a copy of the assessment for last year.

Q. Did you authorize John Tool to issue tax-receipts for you?—A. Yes; I gave John Tool tax-receipts to give out for me.

Q. Were they given pursuant to this arrangement with the Democratic party?—A. Yes, sir.

Q. Did you authorize James Butler, of Minersville, to give out tax-receipts for you?—A. Yes, sir; I gave him some. They were given him pursuant to this arrangement.

Q. Were the receipts given to Jeremiah Curran, your deputy, also given in pursuance with the arrangement with the Democratic party?—

A. Yes, sir. Don't recollect that I authorized any person else to give out receipts for me pursuant to this arrangement.

Q. Did any of these parties whom you authorized to give out receipts for you return any money to you for said receipts?—A. Not that I know of.

Q. Did any of them make return to you of the amount of money represented by receipts given out by them, or of the number of persons or names of persons to whom they were given?—A. Not that I know of.

(The counsel for incumbent makes objection to the above testimony at this time with same effect as if the objections had been made at the time the questions were asked, and this with the consent of counsel for contestant, as follows: First. Objected to the testimony relating to taxes and tax-receipts, of James Adams, James Butler, Martin Beman, John Butler, Patrtck Bann, John Caughlin, William Cook, because its tendency is to contradict and impeach tax-receipts produced and proven, by witnesses of contestant, and by which they are bound. Second. The whole of the testimony of this witness is objected to because it is cross-examination in character, and has been elicited by leading questions, the whole of which is to impeach and contradict McHale, Curran, Tool, Butler, and others.

Contestant replies that the testimony of witness is not calculated to contradict or impeach any of the witnesses named in the incumbent's objection, but is introduced for the purpose of corroborating said witnesses and others, upon which this witness is yet to give evidence. The above objections to apply to all questions relating to the same subject-matters inquired of in this witness' testimony.)

Q With whom did you make this arrangement for the Democratic party?—A. With the chairman and secretary of the standing committee of the Democratic party, of Schuylkill County, Mr. Schalk and Mr. Clark, the lawyer, and with the Hon. James B. Reilly. I think Mr. John P. Colihan was present with Schalk and Clark and John O'Malley was present when I made the arrangement with Mr. Reilly. I think the arrangement was first with the committee, and the next was with Mr. Reilly; that I was to give out any tax-receipts that was required, and he would see me paid for it. This arrangement was made about six months before the election. He proposed to give me a note if I could sum the amount they would cost. I told him I couldn't do it, and I didn't want the note from him, because I thought him good without a note. I think this arrangement was made in the back room of Fox's restaurant, in Pottsville. I think I gave out some tickets on the election day. James B. Reilly's name was on all the tickets I gave out, except one, and that was given out by mistake.

(Objected to by Mr. Nash as heretofore to similiar questions.)

I can't tell whether that ticket that I gave out in mistake that day was voted or not. The man to whom I gave that ticket was cautioned about the mistake before he polled the vote.

Q. Who was that man?—A. James Purcell; I can't say whether I gave a ticket to Michael Dernur, or not.

Q. Whose name was on it for Congress?

(Objected to for same reasons as heretofore.)

A. If I gave a ticket to Micheal Dernur, James B. Reilly's name was on it for Congress. I can't say whether I gave Anthony Carroll a ticket that day or not; if I did, Reilly's name was on it. I gave I. F. Gallagher a ticket; Reilly's name was on it for Congress. Can't say whether I gave Martin Clancy a ticket or not; can't say whether I read it or not; if I did give him a ticket, Reilly's name was on it for Congress. Can't say

whether I gave Patrick Canfield a ticket that day or not; if I did, James B. Reilly's name was on it for Congress. I can't say whether I gave a ticket to Patrick Gannon that day or not; if I did, James B. Reilly's name was on it for Congress. Can't say whether I gave a ticket to Michael Feeny that day or not; if I did, James B. Reilly's name was on it for Congress. Can't say whether I gave a ticket to Michael Gannon that day; if I did, James B. Reilly's name was on it for Congress. Can't say whether I gave a ticket to William Cook or not; if I did, James B. Reilly's name was on it for Congress.

(To all of the questions by which the above testimony in relation to the party who was on the tickets for member of Congress given out, or which might have been given out, by McHale, was elicited, is objected to for the reasons heretofore given against similar questions to former witnesses.)

Adjourned to meet on Monday morning at 10 o'clock a. m., February, 12, 1877.

MONDAY, *February*, 12, 1877.

Examination resumed.

By consent of counsel for the incumbent the examination of Anthony McHale is suspended here for the purpose of examining the two witnesses hereinafter named, and then the examination of McHale to proceed with same effect as if not interrupted.

MICHAEL MCGURL sworn.

I board in Ashland; my parents live in South Cass Township. Ashland is about ten miles from South Cass Township. I was at the South Cass election-poll on last election day. I gave out some tickets to voters on that day.

Question. Whose name was on the tickets you gave out as candidate for member of Congress?

(Objected to as heretofore).

Answer. It was generally supposed that it was James B. Reilly's name, but I don't believe I read all the tickets that I gave out. I was more directly interested in the legislature and State senator than I was for Congressman. I might have given a ticket to Oliver McCormick on that day, but I don't remember of it now.

Q. If you did give him a ticket whose name was on it as candidate for Congress?

(Objected for same reasons heretofore urged to same question).

A. If I gave him a ticket, it was my intention to have James B. Reilly's name on it; but, as I said before, I didn't read all the tickets.

Q. State whether or not you gave out any other than the full Democratic ticket?

(Objected to by incumbent, because leading, cross-examintion, and immaterial, and the tickets are the best evidence and the voters not shown to be illegal).

A. I don't believe I got out any other.

Cross-examined:

I can't tell whose ballots I read and whose I did not read; I was more particularly interested in giving out ballots for Collihan and McKibbon than in congressman. The tickets were not folded at all when I had them. I couldn't tell to how many parties I gave ballots. Don't remember positively of giving McCormick a ticket. I couldn't swear whose name was on the ticket Owen McCormick voted.

M. J. MCGURL.

Sworn and subscribed before me February 12, 1877.

GEORGE KESSLER sworn.

Live at Mount Pleasant, Foster Township election-district. Am thirty-six years of age. I voted at last election; I swore as to my residence, that I lived at Mount Pleasant; have lived there for the last six years; I did not have any witness to prove my residence; I never kept my family there until now; the 10th of March will be a year; they asked me nothing about my residence; they only asked me if I had paid a tax within two years, and I told them I had.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash, as heretofore.)

Answer. I voted the full Democratic ticket; Reilly is the man I voted for for Congress.

Cross-examined by Mr. Nash.

I did not read it for me; a friend of mine gave me the ticket and told me it was all right, same as I wanted to vote; nobody read it for me; a friend of mine looked at the ticket and told me it was all right.

his
GEORGE + KESSLER.
mark.

Sworn and subscribed before me February 12, 1877.

SETH W. GEER,
Notary Public.

Anthony McHale recalled.

I have my duplicate for county and State tax for the year 1876.

Question. Please refer to your duplicate and see whether Charles Quinn paid his tax for last year.

(Objected to by Mr. Nash, because contestant has produced and proven a receipt, thirty days before last election-day.)

Answer. It is marked paid in my book; Charles Quinn paid me in cash; I can't say whether he paid me before or after the election.

Q. Did you swear last month that Charles Quinn's taxes were paid by arrangements made with the standing committee?

(Contestant pleads surprise at the evidence of this witness.

Mr. Nash objects to this going upon the record, and, further, that what he swore to in another case cannot be evidence here; and the witness being called by the contestant, it cannot be used to contradict him.)

A. I may have sworn that with reference to Charles Quinn's taxes; I think there is two Charles Quinns in our township; the other Charles Quinn's taxes were paid by the Democratic committee, by the arrangement I have heretofore stated.

Q. Did Michael Daly pay you a State or county tax in the last year?

(Objected to by Mr. Nash as before.)

A. His tax is not marked paid on my book.

Q. Did James Butler, the teacher, pay you any tax last year?—A. I answered that before.

(Objected to as before.)

Q. Did Owen Reilly pay you any tax last year?—A. It was paid by the committee under the arrangement I have given you before.

Q. Did Joseph Duff pay you a tax, in cash, last year?

(Objected to.)

A. No; it was paid by the Democratic party.

Q. Did Patrick Langton, 1st, at York Tunnel, pay you a tax in cash?

(Objected to.)

A. His tax is marked paid on my book; I can't think any more how it was paid.

Q. Did Patrick Daugherty pay you his tax for last year?

(Objected as before.)

A. It is marked paid on my book; it may be paid by the Democratic party; I can't think any more.

Q. Did John Seibach pay you any tax last year?

(Objected as before.)

A. It is marked paid on my book; I think it was paid by the Democratic party.

Q. Did Michael Garvin, sr., pay you any tax last year?

(Objected as before.)

A. I haven't got any such name on my book; there are two Michael Garvins in my book, and neither of them are marked paid in my book.

Q. Did Michael Dormer pay any tax last year?

(Objected to by Mr. Nash as before.)

A. It is not marked paid on my book; some parties have paid me tax that is not marked on my book, but I can't tell who they are, and I have no way of ascertaining; whether these parties paid me or not is, if I should see their receipts when I go round again.

Q. Did John Gallagher pay you a tax last year?

(Objected to as before.)

A. It is not marked paid in my book.

Q. Did Anthony Carroll pay you any tax last year?

(Objected to for same reason as before.)

A. It is marked paid in my book; I can't say how it was paid.

Q. Did William McHale pay you any tax for last year?

(Objected as before.)

A. No such man on my book as William McHale.

Q. Did Patrick Holey pay you any tax last year?—A. Yes; he paid me in money; I can't say whether before or after election.

Q. Did Francis Gallagher, jr., pay you any tax last year?—A. It is marked paid on my book; I can't say how.

(Mr. Nash objects to all these questions relating to payment of taxes by different parties, and the notary makes this entry to apply to all the questions hereafter, same as to questions to Charles Quinn.)

Q. Did Martin Clancy pay you any tax last year?—A. It is not marked paid on my book, but he may have paid.

Q. Did Patrick Dauboy pay you any tax last year?—A. It is marked paid on my book; can't say how it was paid.

Q. Did James Daugherty pay you any tax last year?—A. Think his tax was paid by the Democratic party; not positive. James Doyle's tax I think was paid by the Democratic party.

Q. Did Frank Gordon pay you any tax last year?—A. I think his taxes were paid by the Democratic party.

Q. Did Patrick Canfield pay you any tax last year?—A. Can't say whether he paid me or not; it is marked paid in my book; I don't know how.

Q. Did James Lynch pay you any tax last year?—A. It is marked paid in my book; can't say how.

Q. Did Patrick Gannen pay you any tax last year?—A. I think it was paid by the Democratic party.

Q. Did John Kelly pay you any taxes last year?—A. Think his was paid by the Democratic party.

Q. Did John Menalis pay any tax last year?—A. Think he paid me in cash; can't say whether before or after election.

Q. Did Michael Kelly pay you any tax last year?—A. I think his taxes were paid by the committee.

Q. Did John Leary pay you any tax last year?—A. I think he did; can't say whether before or after election.

Q. Did John McKeown pay you any tax last year?—A. Think his was paid by the committee.

Q. Did Martin Feeny pay you any tax last year?—A. I think his was paid by the committee.

Q. Did Patrick Joyce pay you any tax last year?—A. I think I paid his tax myself. It must have been paid a month before election, if I paid it.

Q. Did you swear last month that Patrick Joyce's taxes were not paid for last year?

(Objected to by Mr. Nash same as before.)

A. I might have sworn so. I don't know now, positively, whether I paid it or not. I know he got a receipt of me.

Q. Did Dennis Haughney pay you any tax for last year?—A. I think his was paid by the committee.

Q. Did Richard Fitzpatrick pay you any tax last year?—A. I think his tax was paid by the committee.

Q. Did Richard Caufield pay you any tax last year?—A. I don't think he paid me any taxes.

Q. Did Michael Feeny pay you any tax in cash last year?—A. I think they were paid by the party.

Q. Did Patrick Gannon pay you any taxes last year?—A. I think his tax was paid by the Democratic party.

Q. Did James McKeown pay you any taxes last year?—A. I think he paid his in cash; can't say whether before or after the election.

Q. Did John Cochlin pay you any taxes last year?—A. It is marked paid in my book. I can't say how it was paid; I can't remember any more.

Q. Did Martin Kearney pay you any tax last year?—A. I think he paid his in cash; can't say whether before election or after.

Q. Did Patrick Hopkins pay you any tax last year?—A. I can't say whether he did or not; it is marked paid in my book.

Q. Did Patrick Harkins pay you any tax last year?—A. Think he did pay me; can't tell whether before or after election.

Q. Did Anthony Ludden pay you any tax last year?—A. I don't think he did.

Q. Did Michael Kelly, jr., pay you any tax last year?—A. Haven't got a man on my duplicate Michael Kelly, jr.

Q. Did Michael Guman pay you any tax?—A. I think that was paid by the committee.

Q. Did Owen McCormick pay you any tax last year?—A. I think it was paid by a committee.

Q. Did Patrick Premdergast pay you any taxes last year?—A. Think it was paid by the committee.

Q. Did John Philips pay you any tax last year?—A. Don't think he paid me any tax.

Q. Did Martin Cloon pay you any tax last year?—A. I think he paid his, but I can't say when.

Q. Did James Corney pay you any tax last year?—A. I think his was paid by the committee.

Q. Did William Lynch pay you any tax last year?—A. I think it was paid by the committee.

Q. Did Patrick Langton pay you any tax last year?—A. I think it was paid by the committee.

Q. Did John McMichael pay you any tax last year?—A. Think it was paid by the committee.

Q. Did Michael Donohoe pay you any tax last year?—A. Can't say whether it is paid or not.

Q. Did Nicholas Seibach pay you any tax last year?—A. I can't say whether he did or not, but I think they were paid by the committee.

Q. Did James Murphy pay any tax last year?—A. Think he paid his in cash. There is more than one James Murphy. The other Jas. Murphy was paid by the committee. The Jas. Murphy that paid me paid me a couple of months before; he lives on Primrose.

Q. Did Thomas McGuire pay you any tax last year?—A. I think his was paid by the committee. Oliver Welsh; his tax is marked paid; I can't tell how. Edward Delaney's tax is not marked paid in my book; don't know whether it is paid or not; it may be, as several parties have paid who are not marked paid.

(With the consent of the incumbent, this witness stood aside to examine the following two witnesses.)

ALEXANDER MCDONALD sworn.

Live at Heckscherville, North Cass election-district; am about thirty-four years of age. I have paid a State and county tax within two years before last election.

(Shows receipt dated as follows: "Cass Township, July 19, 1876, by McHale.")

I gave out tickets at the last election to parties to vote.

Question. Who was on those tickets as candidates for Congress?

(Objected by Mr. Nash as the ballots are the best evidence, and the votes not being illegal, &c., as before; to apply to all questions to this witness.)

Answer. To the best of my knowledge, James B. Reilly's name was on them. I don't think I gave out any tickets with anybody else's name on for Congress that day. I may have given to Oliver Welsh. If I did give him a ticket, Reilly's name was on it. I did not read all the tickets I gave out. I might have given a ticket to Edward Stapleton. I gave them to anybody who needed them. If I did give him one, James B. Reilly's name was on it, I think. I can't say whether I did give Michael Brennan, W., a ticket or not; but I think Reilly's name was on any of them I did give out. Can't say whether I gave John Whalen a ticket or not; if I did give him one, Reilly's name was on it. I can't say who folded the tickets that I gave out; they were not folded when I gave them out. I might have folded some I gave to parties to vote, but the majority of them was not folded.

Cross-examined by Mr. Nash:

I don't remember giving Oliver Welsh a ticket, but anybody asked me a ticket I gave it to him. I can't swear Reilly's name was on his ticket positively, because I didn't look at every name on a ticket when a man asked me for it. I can't swear positively that I gave Stapleton his ticket; I was under the impression that Reilly's name was on it; it was on any ticket I gave out. Any ticket that I gave out had Reilly's name on it. I can't swear positively that I gave Stapleton a ticket with Reilly's name on it; I don't know whether he voted for Reilly or not. I can't swear positively as to giving Michael Brennen a ticket. I don't know now whether Reilly's name was on his ticket or not, but if I gave it to him Reilly's name was on it. I cannot swear whose name was on

John Whalen's ticket. I couldn't call but one of the persons to whom I gave tickets that day by name. I can't say anything about whether any other person folded up the tickets I gave out that day; think I gave out some of the tickets when it was dark. I did not always read the ticket to the party when I gave it to them.

ALEX. McDONALD.

Sworn and subscribed before me February 12, 1877.

SETH W. GEER,
Notary Public.

THOMAS EAGAN sworn.

I live at Heckscherville, North Cass election district. Am about 34 years of age. I gave out tickets at last election.

Question. Who was on those tickets as candidate for Congress?

(Objected to by Mr. Nash as heretofore.)

Answer. James B. Reilly's name was on the tickets for Congress that I gave out. Think I gave a ticket to James Murphy that day. James B. Reilly's name was on that ticket for Congress. Can't say positively whether I gave Philip Shar a ticket that day, I gave out so many. If I gave him a ticket Reilly's name was on it. Can't say positively whether I gave John Quirk a ticket that day or not. If I did Reilly's name was on it, if I gave him the ticket. Don't remember distinctly whether I gave Bartholomew Callahan a ticket that day. If I did Reilly's name was on it for Congress. Don't know whether I gave a ticket to Edward Ryan; may have given him out one; gave so many I don't remember all I gave them to; If I did give him one, Reilly's name was on it for Congress. I have been a member of the legislature of Pennsylvania.

Cross-examined:

If I gave James Murphy a ticket, I read it before I gave it to him. All the tickets that I gave out I had myself, and examined them all before I gave them out. The way I got my tickets I got them from the general package that came there, examined them, and folded them as I wanted to use them. Sometimes I would fold them when I gave them out, and when business was not very brisk I would fold some and have them ready. If Philip Shore got his ticket from some one else, I can't swear whose name was on it. I cannot swear that if they got a ticket from some one else, whose name was on it.

THOS. EGAN.

Sworn and examined before me, February 12, 1877.

SETH W. GEER,
Notary Public.

ANTHONY McHALE, recalled.

James Purcell is marked as having paid his tax in my book, but I can't tell how it was paid. Patrick Adams's tax is marked paid in my book; can't say how it was paid. Thomas Brennan's tax is not marked paid in my book. John Hughes's tax is marked paid; only part payment; can't say when; part payment must be in cash. Patrick McDonald's tax; can't say how it was paid; it is marked paid on the book. Michael Quinn's taxes are not marked paid in my book, but they may be paid. I don't know. Edward Clancy's is marked paid in my book; can't say how it was paid. Richard Hughes's taxes are marked part paid. I can't say whether before or after election. William Walsh's taxes are marked paid; can't tell how. Edward Stapleton is marked paid in my book. Patrick Crogan's is marked paid in my book; it was by the Democratic committee. Thomas Scully's tax is not marked paid in my book. Ed-

ward Kennedy's tax is marked paid in my book. I think he paid me. James Adams's tax is marked paid in my book; can't say how. Philip Shaw's taxes are marked paid in my book; can't say how. John Horan, jr., is not marked paid in my book; it may be paid. John Quirk's taxes are not marked paid in my book. Patrick Coyle's taxes are paid; think his wife paid me; can't say when. I can't say whether before or after election. Bartholomew Calahan; have no such name in my book. I have a Bat Callahan in my book; his tax is not marked paid on my book. Martin Cahill's tax is not paid; he didn't pay me. John Nash's tax, I think, was paid by the committee. James O'Rian's tax is marked paid on my book; I think it is paid by the committee. Patrick J. Cavanagh's taxes are marked paid in my ; can't say how; don't remember. Daniel McMichael's tax was paid by the committee. Edward Ryan's tax is marked paid in my book; can't say how. There is another Edward Ryan in my book that is not marked paid. Michael Delany's tax is not marked paid in my book. Luke Mohan's tax, I think, was paid by the committee; it is marked paid in my book. Luke McCalis's taxes are not marked paid in my book. James O'Leary; I think his tax was paid by the committee. Owen Smith's taxes, I think, were paid by the committee.

James Cavanaugh's taxes are marked paid; can't say how. Jeremiah Currans's taxes are marked paid; paid by the committee. Michael Shore's taxes are not marked paid. Charles Juppert's taxes were paid by the committee. Edward Haughney's taxes are marked paid by the committee. Thomas Toole's taxes were paid by the committee. John Purcell's taxes are not marked paid. Michael Brennan's taxes are not marked paid. Peter McAevy's taxes were paid me by his wife; can't say when; can't say whether before or after the election. Patrick Wade, jr's., taxes are not marked paid. Patrick Ladden; have no such name in my book. James Daniels's taxes are marked paid; can't say how. James Leary's tax I have got marked returned. Humphrey Horan; his tax is not marked paid. John Moore's taxes are marked paid; must have paid me. Patrick Murphy's marked paid was paid by the committee. Wm. McMurtrie's marked paid; can't say how. Patrick Craney's taxes are marked paid; can't say how. Martin O'Brian's not paid to me. James Fadden's tax not paid to me. William Cook's taxes were paid by the committee. John Kelly's; one of the John Kellys paid me, and the other paid by the committee.

Question. Now state whether or not those whose taxes are marked paid, and you can't tell how they are paid, are principally those to whom receipts were given by your deputy.—Answer. I can't say.

Q. Is there anything in your duplicate that indicates which taxes are paid in cash and whose are paid by the arrangement with the Democratic committee, or to whom either you or your deputy issued receipts without being paid in cash?—A. No, sir, there is no distinction; I cannot tell.

Cross-examined by Mr Nash:

When I marked pd or paid opposite to a man's name on my duplicate, I charge myself with those taxes; I consider all such taxes in my hands as paid, and as due to the county treasury.

(Contestant objects, as the considerations or thoughts of the witness are not evidence.)

I intend to pay whatever my balance is to the county treasurer; including anything I have marked paid.

(Objected to, as the intention of the witness is not evidence.)

Q. Mr. McHale, you consider that you have now in your hands due to

the county treasury the whole amount of what is marked paid in your duplicate, less the former amount paid to the county treasury, and propose to pay it?—A. Yes, sir, I do consider that I have it in my hands.

Q. Were all the tax-receipts given out by you signed by your proper signature, and dated by you?

A. Yes, sir.

Q. When you make a return of money to the county treasurer do you return the names of the parties from whom you collected it?—A. No, sir; when I pay to the treasurer I make it as part payment of the whole amount on my duplicate. The tax-receipts that I gave James Butler were filled out by me and given to him to give to the parties. It was so with the tax-receipts John Tool had. These were all signed and filled out thirty days prior to the election. Curran is to make return to me of the receipts he gave out. When I gave those receipts to Curran I told him to fill them out for poor persons who couldn't pay their taxes thirty days before the election. Any that was not filled out I told him to fill out, but the dates and signatures were written by me. For the tax-receipts I gave out I hold Mr. Reilly, Mr. Clarke, and Mr. Schalk. I hold myself responsible to the county for all the tax-receipts I gave out, and I hold them, Clark, Schalk, and Reilly, responsible to me, and I am responsible to the county. I did not read all the tickets I gave out at the last election. I couldn't swear positively who was on all the tickets I gave out for Congress.

Redirect:

I think I gave these receipts to Curran about six weeks before the election. I did not get the consent of the treasurer to the appointment of my deputy collector.

ANTHONY McHALE.

Sworn and subscribed before me, February 12, 1877.

THOMAS MOHAN sworn.

I live in South Cass election-district; am 33 years of age. I have not, that I know of, paid a State or county tax within two years previous to last election. I voted at last election.

Question. For whom did you vote for member of Congress at the last election?

(Objected to by Mr. Nash, as heretofore.)

Answer. For James B. Reilly.

Cross-examined:

I read my ticket and saw who was on it. I had a receipt for taxes before the last election. I got it from John Tool.

(Receipt produced, dated October 4, 1876. "Received of Thomas Mohan one dollar sixty-five cents, State, county, and —— tax for the year 1876. Signed, Anthony McHale, collector." Receipt in evidence, and marked Exhibit No. 58, February 12, 1877.)

I had this receipt at the last election. I showed it to the man who challenged me at the election. It was Ephraim Davis to whom I showed my ticket. He was inside; he inspected the receipt, and my vote was then taken.

Redirect:

I got this receipt on election-day. No consideration passed from me to McHale for that receipt.

THOMAS MOHAN.

Sworn and subscribed before me February 12, 1877.

SETH W. GEER, *Notary Public.*

JAMES BRESLIN sworn.

I live in Llewellyn Branch Township, Schuylkill County. Will be 57 years of age next August. Am acquainted with Patrick Harkins.

Question. How old is he?

(This for the purpose of showing that Harkins's naturalization-paper is illegal.

Objected to because certificate of naturalization cannot be impeached this way.)

Answer. Think he must be between 38 and 39 years of age, from what I heard himself and his mother say. I have known him since he came to the country; it is about 20 or 21 years since I knew him. He was under age when he came; he was only a small boy, and he ain't very big yet. He was betwixt 17 and 18 years of age when he came here; that was what I call a small boy. I first became acquainted with him in Forestville. I last saw him two or three weeks ago. I saw him yesterday, too. We were talking together yesterday. His sister was maid with me at Llewellyn and at the Cross Keys tavern. We had a talk yesterday about his age. Don't generally have a talk with him about his age. The way we came to talk about his age yesterday was, I was subpœnaed and he came around to see me. We had supper together at my sister's. He comes to see her sometimes, too. The way we came to talk about his age was, he said he was hauled up about this contested-election case. He said he was subpœnaed to Pottsville to-day, and I told him I was subpœnaed to come here. Then he asked me did I mind when I was with him and got his papers for him; and I told him I remembered about it; that I had got his papers in 1866; and that was all I said, and he said that was right. Nothing else followed, any more than what he said his mother had told him, he was between 17 and 18 years of age when he came to the country. I knew him long enough to know that he was entitled to his papers; he had been in the country long enough. He is not the only man I got papers for. I have got papers for 30 or 40. I got Johnny Lloyd's paper for him; can't tell when I got Johnny Lloyd's papers. I can think of Malachai Burns's papers for him. I couldn't tell when I got Burns's. Can't think of anybody else's I got now.

Q. How is it that you don't remember when you got Lloyd's and Burns's papers, and can't tell us whose else you got out of 30 or 40, and can tell us just when you got Harkins's?

(Objected to as it is in the nature of cross-examination and immaterial.)

A. Well, we were talking about it, and if I was to talk to Lloyd or Burns I could tell when I got them. I think I swore here it was between '65 and '60 that I got his papers. Can't tell when I heard his mother say how old he was. She has been dead 13 or 14 years; and maybe more. I never heard his mother tell me how old he was; only what he told me himself his mother told him. He told me yesterday what he told me when I got his papers, that he was between 17 and 18 years of age when he came to the country. We have talked about his age before, since I got his papers, until yesterday. Then all I know about his age is what he told me when I got his papers, and yesterday. I remember very well what he told me eleven years ago what his age was. I have a very good memory; I guess I would have known what his age was if he had not come over to see me yesterday. I guess I live in the neighborhood of two miles from Harkins's now. I don't know that I remember of Harkins's brother telling me anything about his age.

(No cross-examination.)

JAMES BRESLIN.

Sworn and subscribed before me February 12, 1877.

SETH W. GEER,
Notary Public.

GEORGE D. HAUGHAWOUT, Esq , sworn.

(Contestant proposes to prove by this witness the dates of certain tax-receipts that are fraudulent, with the names of the parties to whom they were issued, the amounts alleged to have been received for them, and the name of the collector purported to have issued them.

Objected to, first, because the receipts themselves are the best evidence, and parol evidence of the receipt cannot be given; second, contestant having examined with regard to these receipts without their being produced and proven, cannot now examine further in regard to them, and is concluded by the evidence heretofore taken.)

Question. Mr. Haughawout, you are the commissioner appointed by the court of common pleas of Schuylkill County to take testimony in the contested-election case wherein J. H. James, esq., is contestant and Dr. D. J. McKibbin is the respondent, for the office of representative to the general assembly of Pennsylvania?

Answer. I am such commissioner.

Q. Have you with you tax-receipts that were offered in evidence in that contest?—A. I have some twenty-odd receipts.

(Receipts produced, of which the following are correct copies:)

CASS TOWNSHIP, *Nov'r* 22, 1875.

Received of James Adams —— dollars 25 —— State, county, and —— tax for the year 1875.

$0.25.

(Signed) OWEN O'MALLEY,
Deputy Collector.

(Indorsed:) Feb'y 1, 1877. Mark R. G. D. Haughawout, com's'r.

CASS TOWNSHIP, *Aug.* 1, 1876.

Received of James Murphey one dollar 65 cents, State, county, and —— tax for the year 1876.

$1.65. ANTHONY McHALE,
Collector.

(Indorsed:) Feb'y 1, '77. Marked R. G. D. Haughawout, com's'r.

CASS TOWNSHIP, *Oct.* 1, 1876.

Received of P. J. Cavanaugh —— dollars 87 cents, State, county, and —— tax for the year 187–.

$0.87. ANTHONY McHALE,
Collector.

(Indorsed:) Feb'y 1, '77. Marked P. G. D. Haughawout, com.

CASS TOWNSHIP, *Dec.* 23, 1877.

Received of Oliver Walsh two dollars 50 cents, State, county, and road tax for the year 1874.

$2.50. J. O'MALLEY, *Collector.*

(Endorsed:) Jan'y 30, 1877. Marked I. Haughawout, com.

CASS TOWNSHIP, *Jan"y* 10, 1876.

Received of Thomas Scully one dollars 50 ——, State, county, and —— tax for the year 1875.

$1.50. J. O'MALLEY, *Collector.*

(Endorsed:) Feb'y 1, 1877. Marked W. Geo. D. Haughawout, com

CASS TOWNSHIP, *Nov.* 7, 1874.

Received of James Purcell 1 dollars 50 ——, State, county, and —— tax for the year 1874.

$1.50. J. O'MALLEY, *Collector.*

CASS TOWNSHIP, *Dec'r* 6, 1874.

Received of Mich'l Walsh two dollars 25 cents, State, county, and road tax for the year 1875.

$2.25. J. O'MALLEY, *Collector.*

(Endorsed:) Feb'y 1, '77. Marked R. Geo. D. Haughawout, com'r.

CASS TOWNSHIP, *Oct.* 15, 1875.

Received of Michael Walsh two dollars, State, county, and road tax for the year 1875.

$2.00. J. O'MALLEY, *Collector.*

(Endorsed:) Feb'y 1, 1877. Marked R. Geo. D. Haughawout, com.

CASS TOWNSHIP, *Oct.* 14, 1875.

Received of James Cavanaugh two dollars, State, county, and —— tax for the year 1874.

J. O'MALLEY, *Collector.*

(Endorsed:) Feb'y 2, 1877. Marked W. Geo. D. Haughawout, com.

CASS TOWNSHIP, *Aug.* 10, 1875.

Received of Patrick Adams four dollars 50 cents, State, county, and road tax for the year 1874.

$4.50. J. O'MALLEY, *Collector.*

CASS TOWNSHIP, *Decr.* 18, 1875.

Received of Michael Cahill 2 dollars 25, State, county, and road tax for the year 1875.

$2.25. OWEN O'MALLEY, *Collector.*

CASS TOWNSHIP, *Oct.* 2, 1876.

Received of John Manolis —— dollars twenty-eight cents, State and county tax for the year 187—.

$0.28. ANTHONY MCHALE, *Collector.*

(Endorsed:) Jan'y 24, 1877. Marked B. Geo. D. Haughawout, com.

CASS TOWNSHIP, *Oct.* 1, 1876.

Received of Pat Nolty —— dollars eighty-three cents, State, county, and —— tax for the year 1876.

$0.83. ANTHONY MCHALE, *Collector.*

(Endorsed:) Jan'y 25, 1877. Marked G. Geo. D. Haughawout, com.

CASS TOWNSHIP, *Oct.* 6, 1876.

Received of Owen McCormic twenty-eight cents, State, county, and —— tax for the year 1876.

$0.28. ANTHONY MCHALE, *Collector.*

(Endorsed:) Jan'y 25, 1877. Marked E. Geo. D. Haughawout, com.

CASS TOWNSHIP, *Oct.* 5, 1876.

Received of James O'Brian one dollar sixty-five cents, State, county, and —— tax for the year 1876.

$1.65. ANTHONY McHALE, *Collector.*

(Endorsed:) Feb'y 1, '77. Marked V. Geo. D. Haughawout, com.

CASS TOWNSHIP, *Aug.* 11, 1875.

Received of Edward Ryan one dollars —— cents, State, county, and road tax for the year 1874.

$1.00. J. O'MALLEY, *Collector.*

(Endorsed:) Jan'y 31, 1877. Marked L. Geo. D. Haughawout, com.

CASS TOWNSHIP, *Dec'r* 18, 1874.

Received of Edward Ryan one dollars 25 cents, State, county, and road tax for the year 1874.

$1.25. J. O'MALLEY *Collector.*

(Endorsed:) Jan'y 31, 1877. Marked L. Geo. D. Haughawout, com.

CASS TOWNSHIP, *Sep.* 8, 1875.

Received of Michael Delaney two dollars 25, State, county, and road tax for the year 1874.

$2.25. J. O'MALLEY, *Collector.*

(Endorsed:) Jan'y 31, '77. Marked P. Geo. D. Haughawout, com.

CASS TOWNSHIP, *Oct.* 1, 1876.

Received of Michael Quinn one dollars and 65 cents, State, county, and —— tax for the year 1876.

$1.65. ANTHONY McHALE, *Collector.*

(Endorsed:) Feb'y 1, '77. Marked W. Geo. D. Haughawout, com.

CASS TOWNSHIP, *Aug.* 10, 1875.

Received of Nat. Colo two dollars 25 cents, State, county, and road tax for the year 1874.

$2.25. J. O'MALLEY, *Collector.*

(Endorsed:) Jan'y 31, '77. Marked H. Geo. D. Haughawout, com.

CASS TOWNSHIP, *Oct.* 3, 1876.

Received of John Cochlin —— dollars fifteen cents, State, county, and —— tax for the year 1876.

$ .15. ANTHONY McHALE, *Collector.*

(Endorsed:) Jan'y 24, 1877. Marked C. Geo. D. Haughawout, com.

These receipts are retained as evidence and exhibits in the aforesaid James *vs.* McKibbin contest, and the originals of the receipts cannot now be handed over and made exhibits in this contest.

GEO. D. HAUGHAWOUT.

Adjourned until to-morrow afternoon at four o'clock.

Mr. Nash, for incumbent, objects to adjourning over until to-morrow afternoon at four o'clock, as, with the adjournment this evening, contestant's forty days for taking testimony expires and incumbent's forty days begins to run from to-morrow, February 13, 1877, and his counsel will be engaged in the preparation of his case.

Thereupon, counsel for contestant directs that the taking of testimony at this place be closed this 12th day of February, 1877.

SETH W. GEER,
Notary Public.

Now, to wit, February 13, 1877, John A. Nash, esq., counsel for the incumbent, appeared before me, the notary, and presented the objections and exceptions as contained in the paper hereto attached and marked A A, February 13, 1877.

Contestant's counsel presents a replication to the objections and exceptions of incumbent by his counsel, John A. Nash, esq., date February 13, 1877, above referred to, and marked A A, February 13, 1877, which said replication is hereto attached and marked B B, February 13, 1877.

SETH W. GEER,
Notary Public.

All interlineations and erasures made in the taking down of the testimony on the 31st day of January, 1st, 2d, 3d, 6th, 7th, 8th, 9th, 10th, and 12th days of February, A. D. 1877, were made at the time, and before signing, by the respective witnesses.

SETH W. GEER,
Notary Public.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Seth W. Geer, notary public, duly commissioned by the governor of the commonwealth of Pennsylvania, under the laws thereof, in and for the said county of Schuylkill, and residing at Minersville, in the thirteenth congressional district of Pennsylvania, before whom the foregoing evidence was taken, do hereby certify that the foregoing testimony is the testimony of the several witnesses produced and examined on the part of the contestant on the several days the examinations bear date; that before said witnesses were examined they were severally sworn; and that the testimony, together with the questions proposed by the agents or attorneys of the parties, were reduced to writing by me, and duly signed by them respectively before me; and that the several exhibits hereinbefore referred to, and lettered and numbered, were severally offered in evidence, and are hereto attached.

Witness my hand and official seal, at Minersville, in the county of Schuylkill, and State of Pennsylvania, this 13th day of February, A. D. one thousand eight hundred and seventy-seven.

[SEAL.] SETH W. GEER,
Notary Public.

Be it remembered that at a court of common pleas, held at Pottsville, in and for the county of Schuylkill, in the Commonwealth of Pennsylvania, in the United States of America, on the sixteenth day of March, in the year of our Lord one thousand eight hundred and sixty-six, John McNelius, a native of Ireland, exhibited his petition, praying to become a citizen of the United States, and it appearing to the said court that he had declared on oath, before Charles Frailey, prothonotary of the court of common pleas of Schuylkill County, on the fourteenth day of September, A. D. 1863, that it was *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was at the time a subject; and the said John McNelius, having, on his solemn oath, declared, and also made proof thereof by competent

testimony of Charles Corr, a citizen of the United States, that he has resided over one year and upwards within the State of Pennsylvania, and within the United States of America upwards of five years immediately preceding his application; and it appearing to the satisfaction of the court that during said time he had behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and having declared on his solemn oath, before the said court, that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject.

And thereupon the court admitted the said John McNelius to become a citizen of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Pottsville, this sixteenth day of March, in the year of our Lord one thousand eight hundred and sixty-six, and of the sovereignty and Independence of the United States of America the ninetieth.

[SEAL.] JOS. M. FEGER, *Prothonotary.*

Copy of original made by me as requested and marked Exhibit No. 9, February 2, 1877.

SETH W. GEER, *Notary Public.*

Exhibit No. 10, *February* 3, 1877.—*Seth W. Geer, Notary Public.*

UNITED STATES OF AMERICA,
Circuit Court U. S., Mass. Dist., ss:

To all people to whom these presents shall come, greeting:

Know ye that at a circuit court of the United States, begun and holden at Boston, within and for the Massachusetts district, on the sixteenth day of October, in the year of our Lord one thousand eight hundred and seventy-one, to wit, on the 26th day of April, A. D. 1872, Michael Kelly, of Fall River, in said district, born at county Mayo, Ireland, having produced the evidence and taken and subscribed the oath required by law, was admitted to become a citizen of the United States according to the acts of Congress in such case made and provided.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Boston aforesaid, the day and year last above written, and in the ninety-sixth year of the Independence of the United States of America.

[SEAL.] JOHN G. STETSON,
Clerk of the Circuit Court of the United States for the District of Massachusetts.

Exhibit No. 1, *Feb. 2d*, 1877.—*Seth W. Geer, Notary Public.*

CASS TOWNSHIP, *Oct.* 2, 1876.

Received of Jery Buggy one dollars and sixty-five cents, State and county tax for the year 1876.

$1.65. ANTHONY MCHALE, *Collector.*

Exhibit No. 2, *Feb. 2d*, 1877.—*Seth W. Geer, Notary.*

CASS TOWNSHIP, *April* 4, 1875.

Received of John M. Kcown —— dollars 75 ——, State, county, and —— tax for the year 1875.

$0.75. J. O'MALLEY, *Collector.*

Exhibit No. 3, *Feb.* 2*d*, 1877.—*Seth W. Geer, Notary Public.*

CASS TOWNSHIP, *Oct.* 4, 1876.

Received of John McKeown —— dollars eighty-three cents, State, county, and —— tax for the year 1876.

$.83. ANTHONY McHALE, *Collector.*

Exhibit No. 4, *Feb.* 2*d*, 1877.—*Seth W. Geer, Notary Public.*

CASS TOWNSHIP, *Oct.* 4, 1876.

Received of Pat Joice fifteen cents, State, county, and —— tax for the year 1876.

$0.15. ANTHONY McHALE, *Collector.*

Exhibit No. 5, *Feb.* 2, 1877.—*Seth W. Geer, Notary P.*

CASS TOWNSHIP, *Octo.* 2, 1876.

Received of Denis Hoching eighty-three c., State and county tax for the year 1876.

$0.83. ANTHONY McHALE, *C.*

Exhibit No. 6, *Feb.* 2*d*, 1877.—*Seth W. Geer, Notary Pub.*

CASS TOWNSHIP, *Oct.* 4, 1876.

Received of Rich'd Fitchpatrick —— dollars fifteen cents, State, county, and —— tax for the year 1876.

$.15. ANTH. McHALE, *Collector.*

Exhibit No. 7, *Feb.* 2*d*, 1877.—*Seth W. Geer, Notary Pub.*

CASS TOWNSHIP, *Sept.* 11, 1875.

Received of Rich Canfield one dollars 50 cents, State, county, and road tax for the year 1874.

$1.50. J. O'MALLEY, *Collector.*

Exhibit No. 8, *Feb.* 2*d*, 1877.—*Seth W. Geer, Notary Public.*

CASS TOWNSHIP, *Oct.* 6, 1876.

Received of Patrick Cannon one dollars sixty-five cents, State, county, and —— tax for the year 1876.

$1.65. ANTHONY McHALE, *Collector.*

Exhibit No. 11, *Feb.* 3*d*, 1877.—*Seth W. Geer, Notary Pub.*

CASS TOWNSHIP, *Dec.* 20*th*, 1875.

Received of Michael Kelly 1 dollars 50 ——, for State, county, and —— tax for the year 1875.

$1.50. JAMES O'MALLEY, *Collector.*

Exhibit No. 12, *Feb.* 3, 1877.—*Seth W. Geer, Notary.*

CASS TOWNSHIP, *Jan.* 8, 1876.

Received of Pat Hopkins —— dollars 75 ——, State, county, and —— tax for the year 1875.

$0.75. J. O'MALLEY, *Collector.*

Exhibit No. 13, *Feb.* 3, 1877.—*Seth W. Geer, Notary Public.*

CASS TOWNSHIP, *Dec.* 29, 1874.

Received of Patrick Hopkins two dollars 25 cents, State, county, and road tax for the year 1874.

$2.25. J. O'MALLEY, *Collector.*

Exhibit No. 14, *February* 3, 1877.—*Seth W. Geer, Notary Pub.*

CASS TOWNSHIP, *Dec.* 14, 1874.

Received of Patrick Harkins two dollars 25 cents, State, county, and road tax for the year 1874.

$2.25. J. O'MALLEY, *Collector.*

Exhibit No. 15, *Feb.* 3, 1877.—*Seth W. Geer, Notary Public.*

CASS TOWNSHIP, *Nov.* 11, 1875.

Received of Patrick Harkins —— dollars, 75 ——, State, county, and —— tax for the year 1875.

$0.75. J. O'MALLEY, *Collector.*

Exhibit No. 16, *February* 3*d*, 1877.—*Seth W. Geer, Notary Public.*

CASS TOWNSHIP, *Dec'r* 8, 1876.

Received of Patrick Harkins eighty-five cents, State and county tax for the year 1876.

$0.85. ANTHONY MCHALE, *Collector.*

Exhibit No. 17, *February* 3*d*, 1877.—*Seth W. Geer, Notary Public.*

CASS TOWNSHIP, *Oct.* 6, 1876.

Received of Michael Kelley —— dollars and eighty-five cents, State, county, and —— tax for the year 1876.

$0.85. ANTHONY MCHALE, *Collector.*

Exhibit No. 18, *Feb.* 6, 1877.—*Seth W. Geer, Notary Public.*

CASS TOWNSHIP, *Oct.* 3, 1876.

Received of Patrick Penderghast eighty-five cents, State, county, and —— tax for the year 1876.

$0.85. ANTHONY MCHALE, *Collector.*

Exhibit No. 19, *Feb.* 6, 1877.—*Seth W. Geer, Notary Public.*

CASS TOWNSHIP, *Oct.* 6, 1876.

Received of William Lynch —— dollars fifteen cents, State, county, and —— tax for the year 187 .

$.15. ANTHONY MCHALE, *Collector.*

Exhibit No. 20, *Feb.* 6, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 5, 1876.

Received of Pat Langhan fifteen cents, State, county, and —— tax for the year 1876.

$0.15. ANTHONY MCHALE, *Collector.*

Exhibit No. 21, *Feb.* 6, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 6, 1876.

Received of John McMichael —— dollars twenty-eight cts., State, county, and —— for the year 1876.

$.28.

ANTHONY McHALE, *Collector.*

Exhibit No. 22, *Feb.* 6, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Sept.* 20, 1875.

Received of Mich'l Donahoe one dollars 50 ——, State, county, and —— tax for the year 1874.

$1.50.

J. O'MALLY, *Collector.*

Exhibit No. 23, *Feb.* 6, 1877.—*Seth W. Geer, Notary Public.*

CASS TOWNSHIP, *Sept.* 21, 1875.

Received of Mathew Quinn two dollars 25 cents, State, county, and road tax for the year 1874.

$2.25.

J. O'MALLEY, *Collector.*

Exhibit No. 24, *Feb.* 7, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 5, 1875.

Received of Nicholas Libuch —— dollars 25 ——, State, county, and —— tax for the year 1875.

$0.25.

J. O'MALLEY, *Collector.*

Exhibit No. 25, *Feb.* 7, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Jan.* 10, 1876.

Received of Edward Delany —— dollars 75 ——, State, county, and —— tax, for the year 1875.

$0.75.

J. O'MALLEY, *Collector.*

Exhibit No. 26, *Feb.* 7, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *June* 10, 1875.

Received of Thomas Brennan one dollars 50 ——, State, county, and —— tax for the year 1874.

$1.50.

J. O'MALLEY, *Collector.*

Exhibit No. 27, *Feb.* 7, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct'r* 5, 1876.

Received of Patrick McDuval —— dollars 15 ——, State, county, and —— tax for the year 1876.

$.15.

ANTHONY McHALE, *Collector.*

Exhibit No. 28, *Feb.* 7, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Aug.* 11, 1875.

Received of Edward Clancy two dollars 25 cents, State, county, and road tax for the year 1874.

$2.25. J. O'MALLY, *Collector.*

Exhibit No. 29, *Feb.* 7, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 20, 1875.

Received of Richard Hughes four dollars 86 ——, State, county, and road tax for the year 1874.

$4.86. J. O'MALLEY, *Collector.*

Exhibit No. 30, *Feb.* 7, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 5, 1876.

Received of Wm. Walsh —— dollars 87 cents, State, county, and —— tax for the year 1876.

$.87. ANTH. MCHALE, *Collector.*

Exhibit No. 31, *Feb.* 7, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Sept.* 8, 1875.

Received of John Quirk four dollars 86 cents, State, county, and road tax for the year 1874.

$4.86. J. O'MALLEY, *Collector.*

Exhibit No. 32, *Feb.* 8, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 20, 1875.

Received of Patrick Mulhall —— dollars 75 ——, State, county, and —— tax for the year 1875.

$0.75. J. O'MALLEY, *Collector.*

Exhibit No. 33, *Feb.* 8, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Dec.* 18, 1874.

Received of Bart. Cahahan one dollars —— cents, State, county, and road tax for the year 1874.

$1.00 on account. J. O'MALLEY, *Collector.*

Exhibit No. 34, *Feb.* 8, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Aug.* 10, 1875.

Received of Bart. Callahan one dollars 25 cents, State, county, and road tax for the year 1874.

$1.25. J. O'MALLEY, *Collector.*

Exhibit No. 35, *Feb,* 8, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 14, 1875.

Received of John Nash two dollars 61 ——, State, county, and —— tax for the year 1874.

$2.61. J. O'MALLEY, *Collector.*

Exhibit No. 36, *Feb.* 8, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Sept.* 24, 1876.

Received of Daniel M. Michal one dollars sixty-five cents, State, county, and —— tax for the year 1876.

$1.65. ANTHONY McHALE, *Collector.*

Exhibit No. 37, *Feb.* 8, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 4, 1876.

Received of James Lowry one dollars sixty-five cents, State, county, and —— tax for the year 1876.

$1.65. ANTHONY McHALE, *Collector.*

Exhibit No. 38, *Feb.* 9, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Sep.* 5, 1876.

Received of Charles Supert eighty-five cents, State, county, and —— tax for the year 1876.

$0.85. ANTHONY McHALE, *Collector.*

Exhibit No. 39, *Feb.* 9, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 5, 1876.

Received of John Duvall —— dollars 83 cents, State, county, and —— tax for the year 1876.

$.83. ANTHONY McHALE, *Collector.*

Exhibit No. 40, *Feb.* 9, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 3, 1876.

Received of Thomas Toole —— dollars fifteen cents, State, county, and —— tax for the year 1876.

$.15. ANTHONY McHALE, *Collector.*

Exhibit No. 41, *Feb.* 9, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 12, 1875.

Received of Thomas Toole —— dollars 25 ——, State, county, and —— tax for the year 1875.

$0.25. J. O'MALLEY, *Collector.*

Exhibit No. 42, *Feb.* 9, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Aug.* 10, 1875.

Received of Michael Brennan two dollars 25 cents, State, county, and road tax for the year 1875.

$2.25. J. O'MALLEY, *Collector.*

Exhibit No. 43, *Feb.* 10, 1873.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Nov.* 20, 1874.

Received of Peter McAvoy one dollars 50 cents, State, county, and —— tax for the year 1874.

$1.50. J. O'MALLEY, *Collector.*

Receipt.—Exhibit No. 44, *Feb.* 10, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Octob.* 2, 1876.

Received of John O'Toole eighty-three cents, State and county tax for the year 1876.

$0.83. ANTHONY McHALE, *Collector.*

Exhibit No. 45, *Feb.* 10, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Nov.* 22, 1875.

Received of Wm. Britt —— dollars 50 ——, State, county, and road tax for the year 1875.

$0.75. OWEN O'MALLEY, *Collector.*

Exhibit No. 46, *Feb.* 10, 1877.—*Seth W. Geer, N. P.*

FOSTER TOWNSHIP, *Jan'ary* 11*the*, 1876.

Received of Joseph Ford —— $\frac{}{100}$ dollars for the following taxes for the year 1875: County tax, $.75.

JOHN RIRBY, *Collector.*

Standard Print, Pottsville.

Exhibit No. 47, *Feb.* 10, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Sept.* 18, 1875.

Received of James Daniels two dollars 25 ——, State, county, and road tax for the year 1874.

$2.25. J. O'MALLEY, *Collector.*

Exhibit No. 48, *Feb.* 10, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 4, 1876.

Received of James Daniels —— dollars eighty-three cents, State, county, and —— tax for the year 1876.

$.83. ANTHONY McHALE, *Collector.*

Exhibit No. 49, *Feb.* 10, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 6, 1876.

Received of John Whalin fifty-five cents, State, county, and —— tax for the year 1876.

$0.55. ANTHONY McHALE, *Collector.*

Exhibit No. 50, *Feb.* 10, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 15, 1875.

Received of Humphry Horan two dollars 25 ——, State, county, and —— tax for the year 1874.

$2.25. J. O'MALLEY, *Collector.*

Exhibit No. 51, *Feb.* 10, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Nov.* 23, 1875.

Received of Humphrey Horan —— dollars 75 ——, State, county, and —— tax for the year 1875.

$0.75. OWEN O'MALLY, *Collector.*

Exhibit No. 53, *Feb.* 10, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 5, 1876.

Received of Patrick Crary one dollars and 65 cents, State, county, and —— tax for the year 1876.

$1.65. ANTHONY MCHALE, *Collector.*

Exhibit No. 54, *Feb.* 10, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Jan.* 11, 1875.

Received of James Newlan two dollars 25 cents, State, county, and road tax for the year 1874.

$2.25. J. O'MALLEY, *Collector.*

Exhibit No. 55, *Feb.* 10, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 14, 1875.

Received of Jas. Fadden one dollar 50 ——, State, county, and —— tax for the year 1875.

$1.50. J. O'MALLEY, *Collector.*

Exhibit No. 56, *Feb.* 10, 1877.—*Seth. W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 4, 1876.

Received of John Kelley one dollar sixty-five ——, State, county, and —— tax for the year 1876.

$1.65. ANTHONY MCHALE, *Collector.*

Exhibit No. 57, *Feb.* 10, 1877.—*Seth W. Geer, Notary P.*

CASS TOWNSHIP, *October* 2, 1876.

Received of Patrick McHale eighty-three cents, State, county, and —— tax for the year 1876.

$0.83. ANTHONY MCHALE, *Collector.*

Marked A.—Geo. D. Haughout, com.—20 Jan'y, '77.

Exhibit No. 58, *Feb.* 12, 1877.—*Seth W. Geer, N. P.*

CASS TOWNSHIP, *Oct.* 4, 1876.

Received of Thomas Hohan one dollar sixty-five cents, State, county, and —— tax for the year 1876.

$1.65. ANTHONY MCHALE, *Collector.*

Paper presented February 13, 1877, *marked A A.—Seth W. Geer, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

And now, to wit, February 13, 1877, the incumbent excepts and objects to all of the foregoing testimony alleged to have been taken by Seth W. Geer, esq., a notary public in and for Schuylkill County, Pennsylvania, for the following reasons:

1. To all that portion of said testimony that is not confined to the

allegations set forth in contestant's notice of his intention to contest said election.

2. That the foregoing testimony is not a full and true record of the testimony given by the various witnesses sworn by said alleged commissioner, a great portion thereof being the language of the commissioner or his amanuensis, proof of which incumbent claims the right to make.

3. That said testimony was not taken in compliance with the provisions of the act of Congress in such case made and provided, in that the officer taking said testimony did not cause the testimony of the various witnesses, together with the questions proposed by the contestant or his attorneys, to be reduced to writing in his presence.

JAMES B. REILLY,
By his attorney, JNO. A. NASH.

Paper produced by contestant and marked B B.—Seth W. Geer, Notary Public.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

And now, to wit, Minersville, February 13, A. D. 1877, John A. Nash, esq., counsel for J. B. Reilly, the incumbent, having filed certain exceptions and objections after the taking of the testimony of the contestant at this place is closed, "to all of the foregoing testimony taken by Seth W. Geer, esq., a notary public in and for Schuylkill County, Pennsylvania," contestant replies to said exceptions and objections as follows, to wit:

1. Contestant denies that any portion of said testimony is not confined to the allegations set forth in contestant's notice of his intention to contest said election so far as it is drawn out in examination-in-chief, but that incumbent in many instances improperly cross-examined witnesses upon matter irrelevant, extraneous, and outside of the issue in the contest, notwithstanding the objections and protests of contestant's counsel made at the time.

2. Contestant denies that the foregoing testimony is not a full and true record of the testimony given by the various witnesses sworn by said commissioner, and further denies that any portion thereof is the language of the commissioner or his amanuensis, but avers that none of said testimony was taken down by an amanuensis, and that Seth W. Geer, esq., the commissioner, took down all of said testimony himself, at the time it was given, and in the presence of incumbent's counsel, and that at no time during the examination of the witnesses did the incumbent or his counsel object to the manner of the taking and recording of the testimony as given by the witnesses; and that the filing of these exceptions after the close of this testimony at Minersville as aforesaid is the first notice contestant has of any such objections.

3. Contestant denies that said testimony was not taken in compliance with the provisions of the act of Congress in such case made and provided, and further denies that any act of Congress requires the officer taking said testimony to cause the questions propounded by the contestant or his attorneys to be reduced to writing; and avers that incumbent or his counsel at no time during the examination objected to the manner in which the testimony in this respect was taken; and that every question was reduced to writing whenever it was required by the incumbent

or his counsel, as well as all questions that were objected to; and that the incumbent and his counsel conducted the cross-examination of the witnesses in the same manner in this respect as the contestant. But if the act of Congress should be so construed as to make it incumbent on the commissioner to reduce each specific question to writing, then the incumbent or his counsel should have made this objection while the testimony was being taken. It is therefore too late to do so now, after the taking of the testimony is closed.

And, having failed to do so at the proper time, he has waived his right to question the acts of the commissioner in this respect by his silence and acquiescence, and his failure to have his own questions reduced to writing in his cross-examination of these witnesses; and to allow such a mere technical objection to be considered at this time and under these circumstances would not only be illegal, but would be unjust and unfair to the contestant.

JAMES L. NUTTING,
By his counsel CHAS. N. BRUMM.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

To THEO. P. FRAYER, Esq.,
Notary Public within said District:

The undersigned, the contestant in the above matter, here makes application to you for writ of subpœna directed to the witnesses to be examined at Shenandoah and Ashland within said district, in the above matter.

J. L. NUTTING.

Pottsville, Pa., January 23, 1877.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To James Butler, Mrs. James Daniels, Luke McKabe, Nicholas Leibach, Mrs. Luke Mohan, James Leary, John Phillips, Patrick Coyle, Mrs. Nicholas Leibach, Wm. Cook, Luke Mohan, Edward Houghney, Martin O'Brien, James Fadden, Thomas Mohan, Mathew Colo, Bartholomew Callihan, Mathew Quinn, Thomas Toole, Wm. Madden, Daniel M. E. Michael, Anthony McHale, jr., Thomas Gibbons, James Leary. James T. Kelley, James Butler, Patrick McAvoy, John Purcell, William Britt, Patrick Creaney, Michael Brennan, Michael J. Brennan, Mike Fitzpatrick, Humphrey Horn, Ed. Kennedy, James Moore, Wm. Moore, Pat. Mullhall, John Moore, Patrick Murphy, John Moran, John Murphy, James Nolan, Thomas O'Conner, T. M. O'Brian, Michael Shore, Wm. McMurtrie, Patrick Wade, Martin Farrell, John Clancy, John Kelley, John Whalen, John Wright, G. D. Haughawout, James Bresslin, Thomas Eagan, Alexander McDonald, George Kessler, Michael McGurl, Patrick McHale, Anthony McHale, Michael Kelly, jr., William Cook, James Fadden, James Nolan, Patrick Craney, James Daniels, James Ford, Patrick Ladden, John Toole, Anthony McHale, Peter McAvoy:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some

other person duly qualified, at the public house of Morgan Schwartz, in the borough of Minersville, in said county, on Saturday, the 10th day of February, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said contestant; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1875 and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 1st day of February, A. D. 1877.

[SEAL.] SETH W. GEER,
Notary Public.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Charles Quinn, Michael Daley, James Butler, Owen Reilly. Joseph Duff, Patrick Langton, Patrick Dougherty, John Leibach, Michael Gavin, sr., Michael Dormer, John F. Gallagher, Anthony Carroll, William McHale, Patrick Haley, Francis Gallagher, jr., Martin Clancy, Patrick Dunleavy, James Doyle, Frank Gordon, Patrick Canfield, James Lynch, Patrick Gannon, John Kelly, Jeremiah Buggy, John Menaleis, Michael Kelly, long, John Leary, John McKeown, Martin Feeney, Patrick Joyce, Dennis Houghney, Richard Fitzpatrick, Richard Canfield, Michael Feeney, Patrick Gannon, James McKeown, John Cochlin, Martin Kerney, Michael Kelly, long, Patrick Hopkins, Patrick Harkins, Anthony Ludden, Michael Gannon, Michael Kelly, jr., William Dormer, Michael Gannon, Owen McCormic, Patrick Penderghast, Patrick Gannon, Michael Gavin, jr., John Phillips, Martin Cloon, Michael Gavin, jr., James Connery, William Lynch, Patrick Langton, 1st, John McMichael, Michael Donahoe, Julian Leibach, James Murphy, Thomas McGuire, Oliver Welsch, Edward Delaney, James Purcell, Patrick Adams, Thomas B. Brennan, John Hughes, Patrick McDonald, Michael Quinn, Edward Clancey, Richard Hughes, William Hughes, William Walsh, Edward Stapleton, Patrick Coogan, Thomas Scully, Cornelius Leary, James Adams, Philip Shore, John Horan, jr., John Quick, Andrew Foley, James Grace, Martin Cahill, John Nash, James O'Brian, P. J. Cavanaugh, Daniel McMichael, Edward Ryan, Michael Delaney, Luke McCabe, Owen Smith, James Cavanaugh, Jeremiah Curran, Charles Zuppert, Dennis Doyle, Thomas O'Toole, John O. Malley, Michael W. Brennan, Thomas Eagan, Alexander McDonnell, George Kessler, Michael McGurly, Anthony McHale, Patrick McHale, Michael Kelly, jr., William Cook, James Fadden, James Nolan, Patrick Craney, James Daniels, Joseph Ford, Patrick Ladden, John Toole, Anthony McHale, Peter McAvoy:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill (or some other person duly qualified), at the public house of Morgan Schwartz, in the borough of Minersville, in said county, on Wedneseay, the 31st

day of January, A. D. 1877, at 9 o'clock in the forenoon on said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said contestant; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1875 and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit under the penalty of $20 and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 23d day of January, A. D. 1877.

[SEAL.] THEO. P. TRAYER,
Notary Public.

Exhibit C, February 8, 1877.—*Seth W. Geer, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *February* 3, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given before Seth W. Geer, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Morgan Swartz, in the borough of Minersville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Thursday, the 8th day of February, 1877, at 9 o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

Mrs. James Daniels, Luke McCabe, Mrs. Nicholas Leibach, Mrs. Luke Mahon, all of South Cass election-district, in said county.

Michael Girl, of South Butler election-district, in said county, and John O'Malley, of the borough of Gilberton, in said county of Schuylkill.

Patrick McAbey, Samuel Kessler, Patrick Dadun, and Joseph Ford, all of the township of Foster, in said county of Schuylkill.

J. L. NUTTING.

Hon. JAMES B. REILLY, or
JOHN A. NASH, Esq.,
His Attorney.

STATE OF PENNSYLVANIA, *County of Schuylkill, ss:*

Personally came before me, the subscriber, a register in bankruptcy of the eastern district of Pennsylvania, William R. Bowman, who, being duly sworn, says that, on the 5th day of February, 1877, he served the foregoing notice to take depositions upon the said John A. Nash, attorney for said James B. Reilly, by leaving with him, said attorney, personally, a full, true, and complete copy thereof, and leaving the same in his possession.

WM. R. BOWMAN.

Subscribed and sworn to before me this 7th day of February, A. D. 1877.

JNO. P. HOBART,
Register in Bankruptcy.

Exhibit B, February 7, 1877.—*Seth W. Geer, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *February* 3, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, in addition to those whose names you have heretofore been furnished, before Seth W. Geer, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Morgan Schwartz, in the borough of Minersville, in the county of Schuylkill,in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Wednesday, the 7th day of February, 1877, at 9 o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to wh ch the examination may be adjourned by the officer taking such testimony, to wit:

James Butler, of the west ward of the borough of Minersville, in said county.

Charles K. Taylor, of the east ward of said borough of Minersville.

James Breslin, of the township of Branch, in said county.

John A. Nash, of the borough of Pottsville, in said county.

Hon. JAMES B. REILLY, or
JOHN A. NASH, Esq.,
His Attorney.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me the subscriber, a notary public in and for said county and State, William R. Bowman, who, being duly sworn, says .hat, on the 3d of February, 1877, he served the foregoing notice to

take depositions upon the said John A. Nash, esq., attorney for said James B. Reilly, by leaving with him, said attorney, personally, a full, true, and complete copy thereof, and leaving it in his possession.

WM. R. BOWMAN.

Subscribed and sworn to before me this 5th day of February, A. D. 1877.

[SEAL.] SETH W. GEER,
Notary Public.

Exhibit D, February, 1877.—*Seth W. Geer, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

MINERSVILLE, PA., *February* 7, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given before Seth W. Geer, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Morgan Schwartz, in the borough of Minersville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Friday, the 9th instant, at nine o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit, Michael Kelly, jr., of South Cass election-district.

J. L. NUTTING,
By his attorney, CHAS. N. BRUMM.

To Hon. JAMES B. REILLY, or
JOHN A. NASH, Esq.,
His Attorney.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me, the subscriber, a notary public of Pennsylvania, Charles N. Brumm, esq., who, being duly sworn, says that on the 7th day of February, 1877, he served the foregoing notice to take depositions upon the said John A. Nash, esq., attorney for said James B. Reilly, by leaving with him, said attorney, personally, a full, true, and complete copy thereof, and leaving the same in his possession.

CHAS. N. BRUMM.

Subscribed and sworn before me this 8th day of February, A. D. 1877.

[SEAL.] SETH W. GEER,
Notary Public.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To John Smith, sr., Martin Hoffman, Michael Kelly, Thomas Brennan, Darby Mullen, Reuben Luckenbill, Thomas Wickham, Balser Keifer, Peter Reilly, James Salmon, Michael Boland, Bernard Horan, John Hanney, James Comer, Patrick Walsh, Robert Conroy, Alexander McCabe, William Armstrong, Dennis Hede, Patrick Carlon, Michael Flannigan, Peter Boran, James Fisher, John Holleran, Patrick Whelan, Bernard Dougherty, Hugh Dougherty, James Doyle, Condy McFadden, Charles Sowers, Patrick Connell, William Lawler, Bernard O'Donnell, Richard Edwards, Thomas Edwards, Daniel Brennan, John Keefe, James Butler, William O'Brien, Dennis Martin, Michael Whalen, Miles Finley, James Coyle, Thomas Cochlin, Michael Purdee, Michael O'Brian, James McGee, sr., James McGee, jr., John Miner, Daniel Donoughoe, John Dougherty, Noble Clemens, John Dillon, John Haughney, Patrick Johnson, Patrick Flaherty, John Whalen, Edward Kane, James O'Brian, James Coyle, Timothy O'Herron, Patrick Canfield, Patrick McGee, William Curry, Morris Ryon, Edward Fogatry, Joseph Oberlis, Thomas Welsh, Edward Fogarty, sr., Bernard Keefer, Wm. Martin, Michael Kenna, Michael Murphy, Bryan O'Neal, Michael Daly, Martin Moran, Daniel Leary, Daniel Farrell, John Ross, Hugh Dougherty, Casper Weihinger, Edward Brennan, Patrick Carr, John O'Brian, Mrs. James Cole, A. K. Bace, A. B. Cochran, B. B. McCool, Edw. Shertel, Dennis Gillespie, James O'Connor, Hugh O'Donnell, Daniel Sullivan, Patrick Tray, Francis Conlair, Michael Castello, John Ruddy, Nicholas Rehr, Richard Walsh, Daniel Coleman, Daniel Carrol, Richard Nash, John McCormick, John Nesbit, Martin Carroll, James Conahan, Henry Nunemacher, Hugh Caffrey, Charles McCauley, Michael Walsh, Lewis Parry, Peter Stanton, Thomas Martin, B. J. Smith, Richard Coogan, Patrick Fogarty, George W. Johnson, Martin Dormer, Michael Kelly, Wm. Armstrong, Michael Beard, W. S. Chilson, H. H. Lutz, David E. Hughes, Moses Parkins, Wm. McHale, Henry McDowell, Michael Mackey, Michael Kelly, John Hede, Conrad O'Donnell, Francis McKeon:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of Samuel Garrett, in the borough of Pottsville, in said county, on Tuesday, the 6th day of February, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said contestant; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1875 and 1876 and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit, under the penalty of twenty dollars and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal, this 31st day of January, A. D. 1877.

[SEAL.]

SETH W. GEER,
Notary Public.

No. 5.

CONTESTEE'S PAPERS.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress, between James L. Nutting, contestant, and James B. Reilly, incumbent.

And now, to wit, February 26, 1877, at the public house of Charles F. King, in the borough of Ashland, Schuylkill County, Pennsylvania, at 9 o'clock, a. m., the undersigned duly attended for the purposes of his appointment to take the depositions of witnesses *ex parte* incumbent in the above-entitled case.

Hon. James B. Reilly, the said incumbent, was present with his counsel, John A. Nash, esq.

Two notices of the present meeting, with affidavits of service upon Mr. James L. Nutting, the contestant, were produced and offered (marked respectively A and B, and hereto attached).

Charles N. Brumm and Edward Monaghan, esqs., appear for the purpose of protesting in behalf of James L. Nutting, contestant in the above case; against the taking of any testimony at this time and place, as the several notices of the taking of said testimony from the said James B. Reilly to the said James L. Nutting are dated the 23d instant, and were served on the afternoon of said day on said contestant, thereby depriving said contestant of the one day allowed him for preparation, and sufficient time by the usual route of travel to attend, exclusive of Sundays and the day of service, as provided by section 108 of the Revised Statutes, as follows, to wit:

"The notice shall be served so as to allow the opposite party sufficient time by the usual route of travel to attend, and one day for preparation, exclusive of Sundays and the day of service."

The objection was noted as above, but the notary directed the examination of witnesses to proceed as proposed and requested by the incumbent.

Messrs. Brumm and Monaghan then appear for the contestant, *pro hac vice*, to cross-examine the witnesses.

Errine D. York was sworn as a stenographer, to take down the evidence of the witnesses in short-hand, and to afterward transcribe and copy the same into ordinary manuscript, (The oath taken and subscribed by him, marked C, and hereto attached.)

Mr. Brumm objects to the testimony being taken in short-hand—

1st. Because the witnesses must sign their testimony after being taken

2d. We (the contestant and his counsel) have had no notice of the fact that a stenographic reporter is to take the testimony of the incumbent.

"And we shall insist on our right to take down all the testimony ourselves, as it is given, with all objections, exceptions, answers, and offers made before said commissioner, unless we will be furnished with a sworn copy of the notes and matter taken by said stenographer."

The witnesses were then called and examined, as follows:

MORDECAI JAMES, being duly sworn according to law, doth depose and say, in reply to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. You reside in Ashland?—Answer. Yes, sir.

Q. Did you vote at the last election?—A. Yes, sir.

Q. Were you subpœnaed to bring with you a copy of your naturalization-papers and tax-receipts?—A. Yes; I have them here (producing papers).

Q. Where were you born?—A. In Wales.

Q. How old were you when you came to this country?—A. I was between the years of six and seven.

Q. Where does Jesse Wyatt live?—A. In the upper ward of Ashland.

Q. Did you pay a State and county tax for 1876?—A. Yes, sir.

Q. When?—A. This last year.

Q. How long before the election?—A. I do not know; I have got plenty of receipts here; the tax-collectors were not very particular; they did not insist; we paid it just when we felt like going down to them; they gave me that privilege.

Q. Did you pay a tax for 1875?—A. Yes (producing receipt).

(No cross-examination.)

MORDECAI JAMES.

Sworn and subscribed to before me this 26th day of February, 1877.

C. LITTLE,
Notary Public.

JAMES M. PRICE, being duly sworn according to law, doth depose and say, in reply to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the last election?—Answer. Yes, sir.

Q. Where were you born?—Answer. In Wales.

Q. You were suppœnaed to bring your naturalization-papers; have you got them?—A. Yes (producing papers).

Q. How old were you when you came to this country?—A. The first time we came I was about ten or eleven; but I was back after that.

Q. How old were you when you came the second time?—A. I was 20 or 21; I am not certain which.

Q. How long did you remain in this country when you came first?—A. I could not say for certain; I guess I was here four or five years.

Q. More than five years?—A. Yes; I believe it was a little over five years, by what I heard my parents saying.

Q. Did your father come with you?—A. Yes, sir.

Q. And go back with you when you came and went the first time?—A. Yes, sir.

Q. These papers you got out on the 18th of September last?—A. Yes, sir.

Q. How long had you been in the country up to that time, from the second time you came?—A. I had been in the country about ten or eleven years; eleven years, I think.

Q. Had you resided in this country for five years immediately preceeding your becoming twenty-one years of age?—A. I don't understand.

Q. You were in this country five years before you were twenty-one years of age?—A. Yes, sir.

Q. Did you live here for five years immediately preceding the time you were twenty-one years of age?—A. I was here before I was twenty-one years five years.

Q. But just before you were twenty-one years of age?—A. No sir.

Q. You claimed the right to vote on these papers at the last election?—A. Yes, sir.

Q. You were in this country for three years immediately before you

became twenty-one years of age; that is from the time you were 18 up until you were 21?—A. No, sir; I believe not.

Q. Did you pay a State or county tax?—A. Yes, sir.

Q. When did you pay it?—A. In 1876 and 1874; I did not pay none in 1875.

Q. How long before the election in 1876 did you pay the tax?—A. (Produces papers.)

Q. These are your receipts?—A. Yes, sir.

Q. Have you got a receipt for 1874?—A. No; I have lost them.

Q. You paid it for the year 1874?—A. Yes, sir.

Q. What time in the year?—A. I believe it was, so far as I can remember, about September.

(Incumbent's counsel offer the receipts in evidence as follows:)

"ASHLAND, PA., *October* 23, 1876.

"Received of James Price $4.05 in full for State, county, and borough tax, for the year 1876.

"A. LALLY, *Collector*."

Q. Did you vote for member of Congress at the last election?—A. It was on the Republican ticket I voted anyway.

Q. Did you read your ticket?—A. No, I think not; I do not recollect whether I read it or not, now.

Q. Can you state whether you voted for Mr. Nutting or myself?—A. It was for Mr. Reilly I voted, I believe; anyhow it was on the Republican ticket I voted, anyhow, all through; I am not certain which I voted for.

Q. Who did you get your ticket from?—A. At the polls I got the ticket.

Q. Who from?—A. Off the table; I picked it up.

Q. You are generally a Republican in politics?—A. Yes, sir.

Q. And did you intend to vote the Republican ticket?—A. Yes, I did intend to vote the Republican ticket.

Q. Can you read and write?—A. Yes, sir.

Q. Did you read that ticket that day?—A. Yes, I think I did.

Q. And examined it to see that you had the Republican?—A. Yes, sir.

Q. And satisfied yourself that you had?—A. Yes, sir.

Q. And then voted it?—A. Yes, sir.

Q. Where did you vote?—A. In the upper ward.

Q. That is known as the west ward of Ashland?—A. I believe so.

(Incumbent's counsel proposes to offer in evidence a certified copy of naturalization-papers issued to witness James M. Price, out of the court of common pleas of Schuylkill County, on the 18th of September, 18.6, Jesse Wyatt, witness, to show that they are minor papers and not legal.)

Cross-examination, counsel for contestant reserving all exception as to their right of examination of this witness this day and at this place, as we have not received legal notice of the incumbent's intention to take testimony according to the act of Congress in such cases made and provided; also as to the competency of said witness and competency of his testimony and as to the manner of taking the same.

By Mr. Brumm:

Q. Is your father living?—A. Yes, sir, to the best of my knowledge; when I heard from him last he was living.

Q. Where does he live?—A. In Wales, now, sir.

Q. When did you go to Wales the last time?—A. I could not tell you exactly; to remember rightly, I could not say.

Q. Was it when you went with him that he went there the last time?—A. Yes, sir.

Q. How old were you when you came to this country the last time?—A. I was about 20 or 21, I believe; I might be twenty-one.

Q. How old were you when you went to Wales the last time?—A. When I went back from here I guess I was about fifteen or sixteen; about sixteen I guess.

Q. You intended to come back here again when you went there?—A. Yes, sir.

Q. You swore here that you had been in the country residing for three years next preceding your arrival at the age of twenty-one when you got this paper; was it not your intention and did you not consider that you were here all the time as a matter of residence even while you were in Wales?—A. I considered I had been in the country three years before I swore.

Q. And you considered this your residence at that time?—A. Yes, sir.

Q. You had intended before you arrived at the age of twenty-one, for at least three years, to become a citizen of this country?—A. Yes, sir.

Q. Did you pay your tax after the fall election in 1874?—A. Yes; I believe I did. I could not take my oath on that, but I am almost certain it was after the election.

Q. Are you the owner of any real estate?—A. No, sir.

Q. When did you pay your tax for 1876—for last year?

(Produces paper.)

Q. Have you no other way of determining than by the date of your receipt?—A. No, sir; I could not recollect. [Reading] It was on the 23d of October.

Q. Did you pay your taxes before that heavy snow fell?—A. I do not know whether it was before that or not; I do not recollect.

Q. Can you tell how long before last election it was that you paid your taxes?—A. According to this it was——

Q. Not according to that; if that receipt was dated ahead it would not be.—A. It was dated on the day I paid my tax, because I looked to see whether the day was right or not.

Q. But you think it was after the election in 1874 that you paid your tax?—A. Yes, sir.

Q. To Lally?—A. No, sir; I think it was to a man by the name of McNeil; I think that was his name. I was in Clearfield County at that time. If I remember his name rightly, that was, I think, his name.

Q. The election was held in November, in 1874; then, when you said you thought it was September that you paid the tax, are you mistaken, then?—A. I cannot say. I could not swear to that, whether I am or not.

Q. But you think it was since the election in 1874?—A. I think it was after the election that I paid it.

Q. Were you challenged at the last election?—A. Yes, I was not registered; they had been to the house to get me registered and I could not go on the days I was to go to get registered.

Q. Were you challenged on election-day?—A. I did not vote until I was registered, and then I voted without any trouble.

Q. Did any person object to your voting on election-day?—A. No, sir; they did not.

Q. Then you were not challenged. When were you registered?—A. The same day as I voted.

Q. Who registered you?—A. I believe it was Thomas Giles.

Q. Did you go inside and swear you were a resident of this town on election-day, and that you had been a resident here sixty days before election?—A. Yes, sir.

Q. Were you inside and swore to that?—A. Yes, sir.

Q. Did another citizen go inside with you and swear also, that he knew you were a resident in the town for sixty days before the last election?—A. No, sir.

Q. Did you sign any paper, on election-day, inside?—A. I do not recollect whether I did or not.

Q. Who were the election-officers?—A. I could not tell.

Q. Not any of them?—A. No, sir.

Q. Can you tell any of the clerks?—A. No, sir; I am not in the town but about two years, and I am not very well acquainted with the people.

Q. Did not know any of them in the room, inside?—A. Not to my knowledge; I do not recollect any of them.

Q. Was Squire Lake there, inside?—A. No, sir; I do not believe so; he may have been there and I not seen him.

Q. Do you know W. H. Heffner?—A. I know two Heffners in town, but I am not certain which one it is.

Q. Have you reference now to this last election, or the borough election?—A. The last fall election; the Presidential election.

Q. You do not remember who was in the room at that time?—A. No, sir.

Redirect examination by Mr. Reilly:

Q. Did you vote in the election of 1874 in Clearfield County?—A. No, sir.

Q. Do you know what tax you paid them?—A. It was the State and county tax. There was no school tax then; there was no school around there.

Q. How long did you know Jesse Wyatt?—A. I knew him since he was a young lad.

JAMES M. PRICE.

Sworn and subscribed before me this 26th day of February, 1877.

C. LITTLE,
Notary Public.

JOHN L. LEWIS, being duly sworn according to law, doth depose and say, in reply to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the last election, last fall?—Answer. Yes, sir.

Q. Were you subpœnaed to bring with you your naturalization-papers?—A. No, sir; I have not got them; I have lost them.

Q. How long is it since you lost them?—A. I cannot tell you, indeed; John Price moved from there and he took the borough to Shenandoah.

Q. How long have you lived in this country?—A. I think it is twenty-six years.

Q. Where did you get your papers?—A. In Mauch Chunk.

Q. In Carbon County?—A. Yes.

Q. When?—A. Since I became entitled to them, I suppose.

Q. Do you remember how long you had been in the country at the time you got the papers?—A. I got the papers——[producing papers.]

Q. Is this the only paper you have got?—A. I had one before, and I gave the first one for that one at Mauch Chunk.

Q. Have you paid a State and county tax for 1876?—A. I paid every cent of tax since I have been in the country.

Q. Every year?—A. Yes, every year.

Q. Have you got your receipts with you?—A. I think I have in some place, but I cannot find them, but I think they have got them in their books.

Q. Do you remember when you paid your tax for last year, 1876?—A. No, sir; I do not.

Q. Was it before or after the election last fall?—A. I do not know, indeed.

Q. Did you pay the tax for 1875?—A. Yes, sir.

Q. State and county tax?—A. Yes, sir.

Q. But you cannot find any of your receipts?—A. No, sir; but they have got them on the books here.

Q. What ward did you vote in?—A. In the upper ward.

Q. That is the west ward?—A. Yes, sir.

Q. How long have you lived there?—A. I think I am there almost three years this last time; I was there before, and was in Carbon County after that.

Q. Do you know what year you came to this country?—A. No.

Q. But you say it is twenty-six years ago?—A. Yes; I think so.

(No cross-examination.)

his
JOHN L. + LEWIS.
mark.

Sworn and subscribed before me this 26th day of February, 1877.

C. LITTLE,
Notary Public.

JOHN R. JONES, being duly sworn according to law, doth depose and say, in reply to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the last election—last fall?—Answer. Yes, sir.

Q. You were subpœnaed to bring your naturalization-papers with you; have you got them?—A. Yes. (Witness produces papers.) I have got only two of these papers.

Q. Is this the only paper you have got?—A. Yes, sir.

Q. Is this the paper you claim the right to vote on?—A. Yes, sir.

Q. How old were you when you came to this country?—A. I am somewhere about—I came to this country somewhere about—I cannot tell you right; it is about twenty-two years that I am in the country.

Q. Then you were quite young when you came here?—A. Yes; I guess I am about forty-one years old now.

Q. Did you pay a State and county tax in 1876?—A. Yes, sir.

Q. When did you pay it?

(Produces papers.)

Q. Are these all the receipts you have?—A. Yes; that is all I can find, any how. I have got more, but I cannot find them.

Q. Did you pay a State or county tax for 1875?—A. Yes; and I missed to find that one.

Q. Do you remember when you paid your tax for 1875?—A. I cannot tell you now.

Incumbent's counsel offered in evidence the following receipt:

"ASHLAND, ———, 1876.

"Received of John R. Jones $9.45, in full of State, county, and borough tax for the year 1876.

"A. LALLY, *Collector*."

Also receipt:

"ASHLAND, *October* 20, 1874.

"Received of John R. Jones $9.10, in full of State, county, and borough tax for the year 1874.

"A. LALLY, *Collector*."

Q. You cannot find the receipt for 1875?—A. No; it is in the house somewhere.

Q. How many years is it since you came to the country?—A. I came here about twenty-two years ago.

Q. Do you remember what year you came?—A. I guess I was born in 1836.

Q. What year did you come to this country?—A. I cannot tell you now.

Q. Were you grown up?—A. No, sir; I was a young lad.

Q. How old?—A. Somewhere about eighteen.

Q. Do you know whether you were under or over eighteen?—A. I could not tell.

Q. You are forty-one years old now?—A. Yes; about that.

Q. Were you born in 1836?—A. Yes, sir.

Q. And you are twenty-two years in this country?—A. Yes, sir.

(Mr. Brumm, on behalf of contestant, objected to the last question and several of the preceding ones as leading.)

Q. Do you know what month you were born in?—A. No, sir; I cannot tell you.

Q. If you are forty-one years old now and twenty-two years in the country, were you not over eighteen years of age when you came to this country?

(Mr. Brumm, on behalf of contestant, objected, first, it is leading, inasmuch as it suggests the answer to incumbent's own witness.)

A. I cannot tell you right, because my brother was dead when I got the books, and I cannot tell you; the book that had the ages in, and the month.

Mr. Nash, continuing direct examination:

Q. When did you first become acquainted with Richard Edwards?—A. I knew him a good many years ago.

Q. How long after you came to this country?—A. I have known him a good many years.

Q. Can you tell how long after you came here you first became acquainted with him?—A. It is a good many years ago I know him.

Q. Do you know him twenty-two years?—A. No; I think not. I did not come to this part; I came to the other region.

(Counsel for incumbent offers in evidence certified copy of naturalization-paper of John R. Jones, in which Richard Edwards is witness, dated 20th July, 1874, attested by Hiram Moyer, prothonotary, to show that they are minor papers, and therefore illegal.)

Q. What ward did you vote at?—A. In the upper ward.

Q. In the west ward of Ashland?—A. Yes, sir.

Q. For whom did you vote at that election for Congress?

(Mr. Brumm, on behalf of contestant, objected that the witness need not answer the question, and incumbent has no right to ask him how he voted for candidate for Congressman, as he has not shown him to be an

illegal voter, and the incumbent having taken the position by his counsel that the ballot is the best evidence, he is bound by it; and further, inasmuch as the contestant's counsel have suggested to the commissioner that, as this witness is not proven an illegal voter, he should instruct witness that he need not answer any questions as to how he voted, and especially if it will criminate him, and the commissioner refusing to so instruct, it is not legal evidence.

Mr. Reilly, on behalf of incumbent, excepts to the last objection, because it is an assertion and opinion of counsel, and neither based upon facts or upon law.)

A. That I cannot tell you.

Q. Well, can you read?—A. Not very well; in Welsh; not much.

Q. Do you know what ticket you voted, whether Republican or Democratic?—A. Yes, to be sure; the Republican ticket.

(Mr. Brumm, on behalf of contestant, objected to the question for same reasons above stated.)

Q. Who gave you your ticket?

(Mr. Brumm, on behalf of contestant, objected to question for reasons above stated.)

A. I think I got my ticket from Tom Giles.

Q. Was it a full ticket?

(Mr. Brumm, on behalf of contestant, objected to question for reasons above stated)

A. I think it was a full ticket.

Q. What ticket; full Republican?—A. Yes, sir.

(Mr. Brumm, on behalf of contestant, objected, for same reasons above stated, and because it is leading.)

Cross examination (reserving all exceptions as noted in the cross-examination of previous witnesses) by Mr. Monaghan:

Q. Did you pay a State and county tax for 1875?—A. Yes, sir.

Q. To whom did you pay it?—A. I guess I paid it to Lally.

Q. I think you stated that you did not know whether you were under or over eighteen years of age when you came to this country.—A. I cannot remember; perhaps I was under a good bit; I think so, now.

Q. You swore when you got this naturalization-paper that you were under eighteen when you came to this country. When you swore to this fact in this naturalization paper you swore to what was true?—A. Yes; I did.

Q. And you now believe it was true, what you swore to then?—A. I did not swear to the month.

Q. But as to the time?—A. Yes, sir.

Q. Then you swore at the time you got this paper to what you believed to be true?—A. Yes; I swore to the truth when I got that paper.

Q. You believe it now to be true, what you swore to at that time?—A. Yes; I swore to the truth, but I could not tell what time of the month it was.

Q. Do you believe now that when you swore to these papers that the facts contained in these papers were true?—A. Yes, sir.

Redirect examination by Mr. Nash:

Q. Was this paper translated to you in Welch when you swore to it?—A. No, sir.

Q. Who filled up this paper?—A. It was filled up in court; I do not know what man it was.

Q. Do you know what you swore to on this paper?—A. I swore I am due to this country, anyhow.

Q. Do you know what age you swore to?—A. No; I cannot tell you the right month.

Q. Do you know what age you swore to?—A. I guess I was about eighteen, anyhow.

Q. Was this paper read to you in court?—A. No.

(Mr. Brumm, on behalf of contestant, objected to the question because the record shows to the contrary.)

Q. (Reading to witness first three lines of naturalization-papers, beginning with, "That your petitioner," &c.) What does that mean; can you tell us?—A. No, sir.

Q. Can you understand English?—A. Well, a little, not much; I am in the country long enough.

Q. You had to have a part of your answers translated here?—A. Yes, sir.

Q. And the question translated to you?—A. Yes; because I cannot talk much English anyhow.

Mr. Reilly (redirect examination continued):

Q. How long were you in this country before you took out your papers?—A. I cannot tell you now.

Q. About how long?—A. I was here a long time anyhow.

Q. You were not married when you came to this country?—A. No.

Q. Were you here when the war started?—A. Yes; I was here before the war.

Recross examination by Mr. Brumm:

Q. I will read from the paper as follows: "That your petitioner is a free white person;" do you understand that?—A. Yes, sir.

Q. "And an alien;" do you understand that?—A. No; I do not.

Q. "And is desirous of becoming a citizen of the United States?"—A. Yes, sir.

Q. "And that he has resided in the United States three years next preceding his arrival at the age of twenty-one years;" do you understand that?—A. Yes, sir.

Q. "And has continued to reside therein during this time;" do you understand that?—A. Yes, sir.

Q. Did you understand that in the same way when you got this paper?—A. Yes, sir.

Q. The same way that you do now?—A. Yes, sir.

Q. Then you understood at that time that you were eighteen years of age when you came to this country?—A. Yes; about eighteen years of age; I do not know what month.

Q. You believed that to be true, then, did you not?—A. Yes, sir.

Q. And you believe it now to be true?—A. Yes, sir.

Redirect examination by Mr. Nash:

Q. (Reads.) "That he has resided in the United States three years next preceding his arrival at the age of twenty-one, and has continued to reside therein until this time;" do you know what the meaning of that is? Do you say you had the same meaning at that time as now? Tell us what your meaning is for that.—A. What is that?

Q. What is your meaning for this? "That he has resided in the United States for three years next preceding his arrival at the age of twenty-one, and has continued to reside therein until this time;" give us your idea of what that means; tell us what that means.—A. I can tell what that means; read that question again, will you?

Q. "That he has resided in the United States for three years next

preceding his arrival at the age of twenty-one, and has continued to reside therein until this time;" tell us what the meaning of that is.—A. I can tell him (indicating a Welchman and repeating it in Welch).

(Interpreter:) He knows that he came to this country under eighteen, and that is all he understands—about eighteen, or thereabouts; he is not positive of it.

Recross-examination by Mr. Brumm:

Q. I propose to read to the witness from the paper again, as follows: "That he has resided in the United States three years next preceding his arrival at the age of twenty-one." Do you understand that?—A. Yes, I understand that.

Q. What does that mean? Explain it if you can.—A. I cannot tell you in English; that is the thing of it.

Q. "And has continued to reside therein until this time;" do you understand that?—A. What is "therein?"

Q. "Continued to reside therein."—A. In this country—yes, I understand that.

Q. "And continued to reside therein until this time"?—A. Yes, sir.

Q. Can you explain that?—A. I do not think I can.

Q. Can you explain it in Welch, that you continued to reside therein until this time?—A. I guess I can.

his
JOHN + R. JONES.
mark.

Sworn and subscribed before me this 26th day of February, 1877.

C. LITTLE,
Notary Public.

GEORGE EDWARDS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows.

Direct examination by Mr. Reilly:

Question. Did you vote at the election last fall?—Answer. Yes, sir.

Q. Were you born in this country?—A. Yes, sir.

Q. How old are you?—A. Twenty-five.

Q. Have you paid a State or county tax for 1876?—A. Yes, sir.

Q. Have you got a receipt?—A. Yes (producing paper).

Q. What ward did you vote in?—A. The west ward.

Q. How long did you live there before the election?—A. Ever since the borough was here I live in that ward.

(No cross-examination.)

GEORGE EDWARDS.

Sworn and subscribed before me this 26th day of February, 1877.

C. LITTLE,
Notary Public.

SAMUEL EVANS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows.

Direct examination by Mr. Reilly:

Question. Did you vote at the last election?—Answer. Yes, sir.

Q. Were you born in this country?—A. No, sir.

Q. You were subpœnaed to bring your naturalization-papers; have you got them with you?—A. Yes. (Producing paper.)

Q. How old are you?—A. I will be thirty-eight next August.

Q. How long are you in this country?—A. Twenty years next May, on the 3d of May.

Q. What year were you born in?—A. I was born in 1839, in August.
Q. And you came to this country in what year?—A. In 1857.
Q. What time of the year did you come to this country?—A. In May of 1857.
Q. Have you paid a State or county tax within the last two years?—A. Yes; I have one of the papers lost. (Witness produces paper.)
Q. You paid this tax yourself?—A. Yes, sir.
Q. And on the day that the receipt is dated?—A. Yes, sir.
(No cross-examination.)

his
SAMUEL + EVANS.
mark.

Sworn and subscribed before me this 26th day of February, 1877.
C. LITTLE,
Notary Public.

JOHN J. DAVIES, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows.

Direct examination by Mr. Reilly:

Question. Did you vote at the last election last fall?—Answer. In November I did.
Q. Were you born in this country?—A. I was not.
Q. You were subpœnaed to bring your naturalization-papers with you; have you got them?—A. I have. (Producing papers.)
Q. When did you come to this country?—A. In the year 1865.
Q. How old are you now?—A. I will be thirty next October.
Q. Were you born in 1844?—A. I was born in 1847.
Q. What time of that year did you come to this country in 1865?—A. I could not be positive whether it was in May or June; I believe it was in June; about the 15th of June.
Q. Have you paid a State or county tax within the last two years?—A. Yes, sir.
Q. For 1875 and 1876?—A. Yes, sir. (Witness produces receipts.)
(No cross-examination.)

JOHN J. DAVIES.

Sworn and subscribed before me this 26th day of February, 1877.
C. LITTLE,
Notary Public.

ENOCH JONES, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the last election, last fall?—Answer. Yes, sir.
Q. Were you born in this country?—A. No, sir.
Q. Have you got your naturalization-papers with you?—A. No, sir; I lost my naturalization-papers.
Q. Where did you get them?—A. At Pottsville.
Q. What papers were they; what are known as minor papers?—A. I believe it is; I come to this country before I was eighteen years of age.
Q. You resided here for three years immediately before you were twenty-one?—A. Yes, sir.
Q. What year were you born in?—A. 1842.
Q. What year did you get your papers out?—A. I don't remember.
Q. About how long ago?—A. I cannot swear how long.

Q. Who was your witness?—A. Mr. Michael Lannigan. (Indicating a gentleman in the room.)

Q. Have you paid a State or county tax within the last two years?—A. (Witness hands receipts to counsel.)

Q. You paid the tax on the day you got the receipts?—A. Yes, sir.

Q. Who did you vote for at the last election for member of Congress?

(Mr. Brumm, on behalf of contestant, objected to the question, as incumbent has not shown witness to be an illegal voter, and therefore witness need not answer the question; and that incumbent has no right to ask him to divulge for whom he voted until he has shown him to be an illegal voter.)

A. I cannot swear who I voted for.

Q. What are your politics generally?

(Objected to on behalf of contestant.)

Q. Republican or Democratic?

(Mr. Brumm, on behalf of contestant, objected, because it is none of incumbent's business what the politics of the witness are, nor any person else's, and that it is entirely immaterial and irrelevant and incompetent, and cannot affect the question at issue, and as highly impertinent.)

A. Must I answer that?

The COMMISSIONER. Answer it or not, as you see proper.

A. I am neither one. I generally vote for whom I think is the best man. I am no party man at all. I voted for Reilly the first time he ran for the Labor Reform ticket, I believe; and I voted for Mr. Coliban the last time he was running on the Democratic ticket. I am no party man at all. I voted on the Labor Reform ticket.

Q. Who did you vote for last fall for member of Congress; Mr. Nutting or myself?—A. I cannot swear to it, sir. I do not remember very well; I got a little beery that day and I don't know very well, and don't remember who I voted for now.

Q. Who did you intend to vote for?

(Mr. Brumm, on behalf of contestant, objected to the question as irrelevant and immaterial.)

A. I cannot answer that, because I do not make up my mind sometimes until I go up to the polls.

Q. Where did you vote?

(Mr. Brumm, on behalf of contestant, objected that it is irrelevant and immaterial.)

A. I voted in the west ward.

Q. Do you know who you got your ticket from?

(Mr. Brumm, on behalf of contestant, objected for above reason.)

A. I had a good many tickets that day, but which one I put in I cannot swear to. I had a good many tickets I know.

Q. What year did you come to the country?—A. In 1859.

Q. What year were you born in?—A. In 1842.

(No cross-examination.)

ENOCH JONES.

Sworn and subscribed before me this 26th day of February, 1877.

C. LITTLE,
Notary Public.

At one o'clock a recess was taken 2 o'clock p. m.

Examination of witnesses resumed at 2 p. m., pursuant to adjournment.

MICHAEL KELLY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. You reside in Ashland?—Answer. Yes, sir.

Q. Did you live here at the time of the election last November?—A. Yes, sir.

Q. Will you please state whether you have any knowledge of the offering or payment of money for the purpose of securing or influencing voters at the last election in this county in behalf of the Republican ticket?

(Mr. Brumm, on behalf of contestant, objected: 1st. That it would not be evidence, unless it was offered by either of the candidates to this contest or by their authority, which must be within the knowledge of the witness. 2d. That the witness need not answer if the answer will tend to criminate the witness.)

The WITNESS. Am I to answer that?

The COMMISSIONER. If you see proper.

The WITNESS. Suppose I don't see proper, what is the consequence; is there any penalty for it?

Mr. Monaghan. You need not answer it if it tends to criminate you.

The WITNESS. It don't criminate me.

The COMMISSIONER. Then you can answer the question.

A. Yes, sir.

Q. I will ask you to please state in your own way and from your own knowledge the parties who approached you, and what was said by you and them?—A. I prefer to be questioned.

Q. If you have any knowledge upon this subject, you can state it.

(Mr. Brumm, on behalf of contestant, objected: 1st, that it is irrelevant and immaterial unless the object of the testimony is shown to have some bearing upon this issue; 2d, that testimony as to what others did at last election not bearing upon the election of Congressman is not evidence.

Mr. Reilly, on behalf of incumbent, then stated the object of the testimony before proceeding to examine the witness at the request and upon objection by the counsel for the contestant.

Mr. Brumm, on behalf of contestant, requested incumbent to state the offer so as to have it taken down by the stenographer, and objects that it is not so stated.)

Q. State who the parties were, and when and where you were first approached, and what was said.—A. I would sooner be questioned on that.

Q. I ask you that.—A. By Martin Monaghan, on Walnut street.

Q. In Ashland?—A. Yes; in this middle ward.

Q. When was it?—A. It may be three weeks previous to the election; I cannot say positively when it was, but it was something around that.

Q. If anything was said at that time about your voting or using any influence you might have had for any particular candidate or political ticket, tell us what was said, or as to any offer of money.

(Mr. Brumm, on behalf of contestant, objected to any conversation between witness and third parties; in absence of parties to this contest it cannot affect the parties thereto; also, that unless the answer is confined to contestant it cannot be admitted as evidence.)

A. Well, he asked me what my opinion was; and he also asked me—he said it didn't make a bit of difference to him what party was elected, and that the Republicans didn't want to lose this election on any account. I said that it was so, of course; it didn't make any difference to me.

Q. What further was said?—A. Nothing at present to amount to anything until the closing up to the election.

Q. At this conversation was anything said to you about giving you money?

(Mr. Brumm, on behalf of contestant, objected that the question was leading, and directing incumbent's own witness to the answer.)

A. Yes. He said that times was pretty rough, and if I was a man getting into a family now, and if I was put over the winter, that it would be better for me than all the politics in the State, and I certainly sided with him in that; and that is about all that happened.

Q. If there was any further conversation at any time in relation to this subject, tell us when and where that was.—A. O, yes; conversations all through. He met me down here one evening at the corner and called me over to the Union Hotel and we had a drink.

Q. Who was that?—A. Mr. Monaghan. He allowed that me and him could work with each other, or know each other, and that he would give me pocket-money all the time. Well, he sent for me several times.

Q. Tell us what occurred; you have a knowledge of this thing if anything occurred?—A. I very near forget it; but, anyhow, I can recollect it, though; I have a pretty good memory. I will get around, but one is a little bothered, and I would rather be questioned.

Q. Tell us what occurred at any of these meetings.—A. There was a meeting in the house.

Q. In what house?—A. Mr. Monaghan's house. There was him, myself, and Michael Quigley, Patrick Cummings, and Patrick Haley, and I believe there was more that met different time; and there were different parties I don't remember now.

Q. How did you come to go there?—A. He sent for me to go there.

Q. What occurred after you went there?—A. The object was that there was three men to be picked out in each ward to canvass each ward, and they were to be paid.

Q. What were they to canvass for?—A. For the Republican ticket in general.

Q. The county ticket or the general ticket?—A. The whole national and county ticket.

Q. You said they were to be paid?—A. That was the understanding.

Q. By whom?—A. By Mr. Monaghan; he was acting as treasurer; he had the stuff, anyhow.

Q. Was there anything said as to the amount?—A. There was a man came to me, one of the committee, and he wanted me to go to Captain Lark.

Q. Who was the man on the committee?—A. John Naughton. I told him no, I would not go to no American.

Q. That is what you said to Naughton?—A. Yes; that is what I said to Naughton.

Q. I would like you to tell us what occurred at these interviews or meetings at Monaghan's house.—A. Mr. Monaghan fetched down—we got talking about these men sentenced to be hung; Thomas Munley was one.

Q. You said there were three men picked out to canvass each ward; what instructions were given and what arrangements were made and how much money they were to get?

(Mr. Brumm, on behalf of contestant, objected to question, especially as to the money part; it being leading and suggestive of the answer sought to be obtained by incumbent from his own witness.)

A. What those men were to do at the wards?

Q. Yes; how it came to be arranged and what instructions they received, and if there was a bargain?—A. There was a bargain, but it

was not in the bargain who the party was sent; it was so told me to go to Captain Lark to receive thirty dollars.

Mr. Brumm, on behalf of contestant, objected to any testimony as to what had been told him, as hearsay evidence.)

A. (Continuing.) He said there was thirty dollars remained for each man and we were to get it that night, and we were to get thirty more in the morning before we would poll a vote.

Q. When was that?—A. That was on the 30th of October, on Monday, I believe.

Q. How many of these interviews did you attend at Monaghan's house at which other parties were present?—A. I attended a whole lot of them. I attended them for about eight days. I never went into the house without being sent for only once during the campaign.

Q. Were you acquainted with all the men you met there on these occasions?—A. Yes; well acquainted with them all.

Q. Can you give the names of the others besides the names you have already given?—A. I can give you the names of most all I saw there.

Q. You mentioned Cummings, Quigley, and Haley?—A. Johnny Naughton and Frank Naughton, and Pat. Mulhearn, and I think I saw Terry Connelly once there.

Q. Will you state whether or not you received any money under this arrangement; whether any money was paid to you to carry out this arrangement?—A. Yes; there was.

Q. How much?—A. Eleven dollars.

Q. From whom did you receive it?—A. From Martin Monaghan.

Q. State whether or not it was pursuant to an arrangement by which you were to receive any more?

(Mr. Brumm, on behalf of contestant, objected to the question as leading and suggestive of the answer to his own witness.)

A. Yes; there was an understanding that I would receive ten dollars more.

Q. Do you know whether or not any of these other men received any money?—A. I have only got it from Mr. Monaghan, jr. (Indicating counsel present.)

(Mr Brumm, on behalf of the contestant, objected to any hearsay evidence.)

Q. Did you hear the parties themselves say they had any money?—A. No, sir; we all generally denied it on each other.

Q. Will you state whether you had any other arrangement with this or any other party or any conversation in relation to the payment of money, or the offer of money being made to you for the purpose of securing your vote or your influence at the last election?—A. I do not rightly understand that.

(Mr. Brumm, on behalf of contestant, objects to the question as leading and suggestive of the answer to incumbent's own witness, and that any testimony as to money received or offered to be paid or promise made by any person, not having direct reference to either of the parties to this contest, is not evidence, and therefore is irrelevant and immaterial.)

A. (Continued.) Me and Mr. Monaghan, jr., often had conversations together, but it only affected one man. He did not seem to electioneer against any man except McKibben. He wanted Harry James, and never asked me to vote against any of the Democratic ticket except D. J. McKibben.

(Mr. Brumm, on behalf of contestant, requested that the testimony

with reference to the James-McKibben case be stricken out, as having no bearing upon this issue.)

A. (Continued.) Ned Monaghan told me on Saturday previous to the election that there were twenty dollars put up for me that morning, and that he would get it from his father at night. I didn't see the old man that night, but I saw Ned Monaghan himself, and he was going to Centralia with money, or to Bull's Head. I don't know what town he mentioned.

Q. Give us that, or any other conversation in relation to this subject. —A. There was not much happened. There was not much passed between us.

Q. Did you have at any other time any conversation in which he stated to you any amount of money being here?—A. O, yes; he said on Monday of October the money was to come to this town, two thousand six hundred and eighty (2,680) dollars, to canvass this legislative district.

Q. Who were the parties who were to canvass the borough in the different wards under this arrangement?

(Mr. Brumm, on behalf of contestant, objected to the question, as any arrangement made with parties in wards was perfectly legitimate, and therefore it is immaterial in this contest as to who they were.)

A. At Mr. Monaghan's house this was made.

Q. I want to get the names of the men in the different wards.—A. Patrick Cummings, Patrick Haley, and Michael Quigly in the east ward, and myself and Patrick Mulheorn in the middle ward; John Naughton and Frank Naughton, and Thomas Campbell and Thomas Hurst were in it. They belonged in the middle ward. These two men were mixed up in it.

Q. Do you know of money being offered to other persons than these you have named?—A. No, sir; I never saw any money offered to any person except myself. Ned Monaghan told me that his father gave Michael Quigly twenty (20) dollars, and he said he was the meanest man in town, and after that he went to Captain Lark and got five more; and he said he did not get a damn cent from his father.

Q. What were your politics, or your political convictions generally, up to this time, when the arrangements were made?—A. The same as they are now.

Q. What are they now?—A. Democratic.

(Mr. Brumm, on behalf of contestant, objected to the question because it is irrelevant and immaterial to this issue.)

Q. Do you know whether or not Mr. Martin Monaghan was aware of what your party politics were?

(Mr. Brumm, on behalf of contestant, objected that the parties themselves are the best evidence, and that witness cannot tell what the other man's knowledge was.)

A. I do not know; I don't know what the man's knowledge was; he knows me long enough and knows me to be a Democrat.

Q. Have you told us now of all the arrangements, or conversations, or knowledge that you have as to the use of money for the purpose of securing votes at the last election?—A. Well, I have told you about all I know.

Cross-examination (reserving all exceptions as noted in the cross-examination of previous witness) by Mr. Brumm:

Q. Did you ever receive any money from Ned Monaghan?—A. No, sir.

Q. But you say you did receive eleven dollars for the purpose of influencing you at the election?—A. Yes, to go to the polls and work for the Republican ticket in general.

Q. Did you agree to do it?—A. I never made a promise to vote for any man, with the exception of Harry James. I never promised Mr. Monaghan that I would vote against any of the Democratic ticket, only I remained silent and he took silence as consent.

Q. Was not this money paid to you for the purpose of paying your expenses?—A. No; they would not give me any money now to pay my expenses.

Q. Did you vote at the last election?—A. I did, sir.

Q. For whom did you vote for member of Congress at the last election?—A. I voted for James B. Reilly; I voted the whole Democratic ticket.

Q Did you read your ticket?—A. I did, sir.

Q. And was James B. Reilly's name on it?—A. Yes; at the head.

Redirect examination by Mr. Nash:

Q. Was there anything else said why you should vote for the Republican ticket—about pardons?—A. Yes.

(Mr. Brumm, on behalf of contestant, objected to question as leading and suggestive of answer to incumbent's own witness, and as entirely irrelevant and immaterial, especially if it is not brought home to the parties to this issue.)

A. (Continued.) Well, during one of the meetings Mr. Monaghan allowed that he had some cousins——

Q. Old Monaghan?—A. The father; he allowed he had some distant relation—second cousin or something—sentenced to be hung, and he said by the Republican party getting in that their influence might lessen the time—he did not say take the rope away, but he said that it might lessen the time.

Q. Did he say who that party was?

(Mr. Brumm, on behalf of contestant, objected to question as irrelevant and immaterial.)

I think Thomas Munley's name was mentioned, but I do not recollect the other one; there were two or three mentioned.

Q. Was not there a party mentioned outside of the county—in Luzerne County—who was to be saved, too?

(Mr. Brumm objected, on behalf of contestant, to question as irrelevant and immaterial.)

A. Not to my knowledge, anyhow.

Q. How many meetings did you attend at Martin Monaghan's house at which the subject of money was discussed?—A. I could not say how many.

Q. About how many?—A. O, may be seven or eight—six, or seven, or eight.

(Mr. Brumm, on behalf of contestant, objected that the subject of the discussion about money, not having any direct relation to the candidates to this issue, is irrelevant and immaterial.)

Q. Can you tell us whether at any of these meetings anybody outside of the parties who were to canvass the different wards and Martin Monaghan were present at the arrangements?—A. No, I don't think there was. It is not likely they were; I don't think they were.

Q. How did Ned Monaghan know that you had been at these meetings and that the subject of money had been discussed?

(Mr. Brumm, on behalf of contestant, objected that as Ned Monaghan is living he can easily be got, and that the best evidence must be had.)

A. Ned came for me once and said that his father wanted to see me, and he either came into the house or stopped at the door and spoke to me as I was in the house.

Q. Did he say to you at that time what he wanted to see you for?
(Mr. Brumm, on behalf of contestant, objected to question as leading.)
A. He may not have said at that time, but he said at a time—it may not be the time he came directly for me.

Q. What did he say at any other time that showed you he had a knowledge of these transactions?—A. By his own words he was the sole boss of it.

Q. What were his own words that induced you to believe that?—A. He told me that he was chairman of a Republican standing committee and that he was the man to distribute the money, only that it would spoil him from getting admitted to the Schuylkill County bar. I advised him not to do it either.

Q. At any other time did he state to you anything that showed you he had control of money to influence voters in behalf of the Republican ticket or any person else?
(Mr. Brumm, on behalf of contestant, objected to question as leading and suggestive of answer to incumbent's own witness.)
A. I do not think that we had any other conversation about money; he told me that he would give certain fellows money—a certain person, any way—I don't know about persons.
Q. Who was that person?—A. James Loftus.

Recross-examination by Mr. Brumm:

Q. Did not Martin Monaghan give you this eleven dollars for the purpose of having you watch the Democrats, what they were doing in the evenings and at other times and then report?—A. No, sir; thank you for the compliment; I would not do such a thing for Martin Monaghan; if he would propose such a thing I would break his nose, or any other man that would try it.

Q. Did you not follow Ned Monaghan the night before election, and hunt him at the different saloons and urge him at different times to give you a little money that night?—A. I was standing up here at this corner, at the hatter's, and Mike Quigley and Patrick Thomas came up, and Mike Quigley says to me, "Pat Cummings met Martin Monaghan going out to"——

Q. Did you not follow Ned Monaghan the night before election and ask him to give you money, and kept following him up until after midnight?—A. No, sir; I did not follow Ned Monaghan; he called me along from this here saloon, and he asked me would we walk up town; and him and Harry James went into the same saloon, and the next place I met him was at the ball or up in front of the ball-room, and there I asked him for money because I knew it was the last chance; I knew I was going to secede right away.

Q. Then do you now swear that notwithstanding you knew you were going to secede and play double on them, you still asked him for money?—A. I asked him for money that night? Yes; I asked him before that for money, but it was for a loan of money I asked him for that night, if I am not mistaken.

Q. You asked him for a loan of money, and knowing at the same time that you were going to secede or play double?—A. No; I was fully convinced that I was not going to vote any ways they wanted, or that they asked me to vote.

Q. Answer my question, whether you asked him for the loan of money, knowing at the time that you were going to secede or play double on him?—A. I answered the question. I knew at that time that I was not going to be bamboozled any longer with them.

Q. And that is the reason you asked him for that money?—A. Yes; I thought that was the last chance, and I was going to quit.

Q. Did anybody else give you any money last election to influence your vote for Congress, or to have you do any work for the Democratic party at all?—A. I am on my oath; I never received a cent of money from the Democratic or Republican party before; to the best of my knowledge, I never received any political money before that.

Q. Did you receive any since that?—A. No; I didn't—no; I don't know—no; I didn't: I am sure of that; I receive my pay regularly.

Q. On the night before election, did you not see Monaghan coming in a carriage, and you followed him to Homung's saloon, and there asked him for Monaghan??—A. I saw him come in a carriage.

Q. Did you not follow him up to Homung's saloon?—A. Not until he asked us from Oppermous—both Quigley and myself; we were not inside; we were standing on the pavement when they passed us—would we take a little walk up street.

Q. You did not follow him?—A. I followed him when he asked us up. Ned Monaghan asked us would we take a walk up the street.

Q. Did you ask for him?—A. I think Mike Quigley asked for him. We went into the saloon and had one or two drinks. We went right up after him, but they got into a back room somewheres; we saw them getting stews, or going in, and we knew there was something up, and we waited awhile, and then we asked; I think Mike Quigley asked, or one of us.

MICHAEL KELLY.

Sworn and subscribed before me this 26th day of February, 1877.

C. LITTLE,
Notary Public.

PATRICK CUMMINGS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In the east ward of Ashland?

Q. Did you vote there?—A. I did, sir.

Q. Do you know Martin Monaghan and Ned Monaghan?—A. Yes, sir.

Q. Tell us whether or not you met Martin Monaghan in relation to political matters at any time before the last November election.

(Mr. Brumm, on behalf of contestant, objected to question as irrelevant and immaterial, as witness has a right to meet his fellow-citizens at all times with reference to elections, and unless this has some relation to either of the parties to this contest, and some illegal act shown, that the testimony cannot be admitted.)

A. Several times.

Q. Where?—A. Several places. I met him in the street or anywheres; not on that purpose I did not meet him. We talked of many other matters besides that.

Q. Tell us whether or not you met him at his house?—A. Several times I met him at his house, but not on political matters.

Q. At whose instance did you go to his house?

(Mr. Brumm, on behalf of contestant, objected that it was irrelevant and immaterial, as the witness had a right to go to Monaghan's house whenever he pleased.)

A. I was there many a time.

Q. At whose instance or request did you go there?—A. At my own request, both before and afterwards.

Q. Did you go at any time at his request?—A. Perhaps; he asked me there once in a while; but I never went there on politics. I might go there once or twice; but I did not go there with that intention. He told me one night to go up to the house; that he wanted to have a talk with me, and I went. I did not go there with the intention of talking about politics.

Q. Were politics talked about when you were there?—A. Yes; they were.

(Mr. Brumm, on behalf of contestant, objected that the talking of politics is a perfectly legitimate matter.)

Q. Have you any knowledge of the offer of money to influence your vote or the vote of any other person?

(Mr. Brumm, on behalf of contestant, objected.)

The WITNESS. No, sir. I decline——

(Mr. Brumm, on behalf of contestant, objected, 1st, unless money was offered by either of the parties to this issue, it cannot be relevant or material to this issue; 2d, that if the answer tends to criminate the witness he has no right to answer, and should be cautioned as to his rights before required or requested to answer.)

A. I decline to answer that question.

Q. Why do you decline to answer?—A. I decline——

(Mr. Brumm, on behalf of contestant, objected.)

Q. Why do you decline?—A. Because I am a citizen, and I don't need to answer it; that is why I decline.

(Mr. Brumm, on behalf of contestant, objected that witness need not give reasons for declining to answer matters not pertinent to this issue.)

Q. Upon what ground do you decline to answer?—A. I have that much ground, that I do not need to answer.

Q. You are bound to answer.—A. I have Judge Pershing's word for that, or his address in a paper for it.

Q. Have you any knowledge of the offer of money to influence your vote or the vote of any other person?—A. I object to the word any other person. I have no knowledge of influence myself at all.

Mr. Reilly (direct examination continued):

Q. Do you say that you have no other knowledge of any other person?—A. I have no knowledge of any person except myself.

Q. Have you any knowledge of any person influencing any other person by the offer of money?—A. I object to that altogether. I have no knowledge of any person influencing me to vote, because they could not do it.

(Mr. Brumm, on behalf of contestant, objected to the last question as the offer of any person to influence any other person by money as a voter, unless it was offered to influence them——)

The WITNESS. Not from the Republicans I have not; that is what I mean.

(Mr. Brumm (continuing). Unless it was offered to influence them in their vote as to either of the parties to this issue is no evidence, and if it criminates or tends to criminate said witness, he is not bound to answer.)

Q. Do you decline to answer the question, Have you any knowledge of any offer to influence the vote of any other person than yourself?—A. I never seen a man getting one cent to influence any man's vote—never; not from that party I did not.

Q. Were you present at any meeting at which Mr. Michael Kelly was present, and others, in which an arrangement was made that the parties present were to vote and use their influence for the Republican ticket in consideration of receiving a certain sum of money?—A. I never heard money mentioned; never heard Mr. Nutting's name mentioned. We were there one night at a party; we were talking about a part of the county ticket; about Mr. Colihan and Mr. McKibben, and he never mentioned your name or Mr. Nutting's name to my knowledge.

Q. Was there anything said at that time about the payment of money?—A. Not to my knowledge.

Q. You were offered no money?—A. I was never offered any money.

Q. At that time?—A. No, sir; not at that time and from that party. If I was offered money I would take it. I was never offered any money to electioneer or vote against you; not from that party I did not.

Q. From what party?—A. The Republican party.

Q. Were you offered any money by anybody else?—A. I was never offered any money against you; I was not.

Q. Or against anybody?—A. Yes; I was.

Q. Who?—A. At Mr. McKibben's election it was; at the delegate election. There was never a vote mentioned about you in my presence.

Q. Did you receive any money to vote or use your influence for any other candidate?—A. I never received any money for that purpose at all. To the best of my knowledge I did not. If it was for that purpose, I never understood it was for that purpose.

Q. Did you receive any money?—A. I got my pay—I got my pay.

(Mr. Brumm, on behalf of contestant, objected unless it is shown that the money was received for the purpose of either electing or defeating either of the parties to this issue, and especially as the witness has already said that he has received no money from the Republican side for the purpose of influencing his vote or the vote of anybody else.)

The WITNESS. No, sir; I have not.

Q. From whom did you receive the money?—A. I decline to answer that.

Q. Why?—A. Because I do not need to, I think.

Q. I think you do, unless you can give a reason that I do not know anything about.—A. What difference does it make, since I did not receive any money to influence my vote?

The COMMISSIONER. The only reason you can be excused is because it criminates or tends to criminate you; and if it does not tend to criminate you, then you are bound to answer it.

Q. Will you answer the question?—A. I will not answer the question.

Q. You decline to answer it?—A. Yes, sir.

(Mr. Reilly, on behalf of incumbent, then proposed to ask the above question for the purpose of showing that he received money from Mr. Martin Monaghan, in whose hands he proposes to prove there was a large amount of money which was expended for the purpose of corruptly influencing voters at the election held on the 7th of November last, to be followed by evidence that the said Martin Monaghan voted at the said election and was disqualified to vote thereat.

Mr. Brumm, on behalf of contestant, objected, first, because Martin Monaghan is living in this town, and we are notified that he was subpœnaed as a witness in this case, and that he is the best evidence to show that any money was paid him for the purpose of corruptly influencing any voters at the last election, and that any answers that this witness may give to above offer must be hearsay, and that the original

question has no reference to the payment of money for the purpose of fraudulently influencing voters at the last election, but is simply the broad question whether this witness ever received any money without setting forth any purpose for which he received it, and that the witness need not answer any question with reference to his private business.)

The COMMISSIONER. I direct the witness to proceed and answer the question, unless it will criminate himself or tend to criminate himself.

Q. From whom did you receive the money?—A. Am I bound to answer that? It does tend to criminate myself.

Q. Is that the reason why you decline to answer it, because if you do answer it, it would tend to criminate you?—A. I think I answered that question already; I never received one cent of money to do you any harm——

Q. That is not the question?—A. I think the other question will criminate myself.

Q. Is that the reason you decline to answer it that it would tend to criminate you if you did answer it?—A. No. I don't believe it would tend to criminate me neither.

The COMMISSIONER. Then you are bound to answer it.

Q. Was it for your work at the colliery?—A. I did not mean at the colliery or any other work.

Q. But you meant pay for the political work?—A. I did not say political work.

Q. Did you mean that?—A. I did not mean that at all.

Q. Pay for what work did you mean?—A. I decline to answer that.

Q. Do you decline for the reasons that your answer would criminate or tend to criminate you?—A. I think it would criminate myself.

Cross-examination (reserving all exceptions as noted in the cross-examination of previous witnesses) by Mr. Brumm:

Q. For whom did you vote for member of Congress at the last election?—A. James B. Reilly.

Q. You stated that you received money, in response to a question put to you, at the delegate convention in the McKibbin contest?—A. Yes, sir.

Q. From whom did you receive that money?

(Mr. Reilly, on behalf of incumbent, objected that it is immaterial and irrelevant and no cross-examination.)

A. It was sent for me by Bill Marr; he made the contract for me.

Redirect examination by Mr. Reilly:

Q. Was that a transaction that would tend to criminate you any more than the money you received last fall at the November election, which you decline to answer about.

(Mr. Brumm, on behalf of contestant, objected, as the degree of crimination cannot affect the issue, and leaves the witness to his rights the same as before.)

A. I will answer that. That was mentioned to me directly and the others was not; there was no politics mentioned before but this was—this money was.

Q. Why would it criminate you if you told us who paid you this money?—A. I have a cause for that myself.

(Mr. Brumm, on behalf of the contestant, objected that the reasons why it would criminate him cannot be evidence, nor is it admissible as a question.)

Q. Is the cause that you have yourself for not answering the question

as to who paid you this money last fall, the reason that it would criminate you if you did answer it?—A. I have some other cause for it.

Q. What is the other cause?—A. I don't—— (Interrupted.)

(Mr. Brumm, on behalf of the contestant, objected.)

The WITNESS. I object to that.

(Mr. Brumm, on behalf of the contestant, objected that a party has no reason to pry into a party's private business or private reasons besides the one already given; that it would tend to criminate himself to answer the former question.)

Q. What are we to understand, that you refuse to answer the question because it would tend to criminate you or because you have some other reason?—A. I have some other reason that I do not want you to know of, or anybody else.

Q. Then it was not for the reason that it would tend to criminate you if you did answer it.

(Mr. Brumm, on behalf of contestant, objected to the question as leading and suggestive of the answer to incumbent's own witness.)

A. I have some other reason.

Q. You stated that the reason you declined to answer it was because it would tend to criminate you?—A. I will answer that still, but you asked me what was the cause of it; I told you I had reasons of my own for that.

Q. Is the cause any other than the fact that if you did answer it would criminate you; is that the ground that you put your refusal to answer upon?—A. I think I gave an answer to that before.

Q. First you stated that you declined to answer because it would criminate you, and then later in your examination you stated you had some other reasons?—A. Other reasons because it would criminate me.

Q. Have you had any conversation with any other person as to your testimony in this matter since you have been subpœnaed?—A. Well, I guess I had, several—— (Interrupted.)

(Mr. Brumm, on behalf of contestant, objected to any questions as to conversations held by this witness since he was subpœnaed here, unless it was brought home to the parties to this issue.)

Q. State if you had any conversation with Mr. Martin Monaghan.—A. Yes; I had.

Q. Was there anything said in this conversation with him, by him, what you would answer when you come upon the stand?

(Mr. Brumm, on behalf of contestant, objected to question as leading and suggestive of answer to incumbent's own witness.)

A. I can answer that; not at all. Martin Monaghan never said anything to me that I should not answer, because I knew as much about that as him either; and I would not take a false oath for Martin Monaghan.

Q. I ask you simply about whether he spoke about your answering certain questions?—A. No, sir; he never spoke to me about answering certain questions.

Q. Did you talk with any other witnesses that have been subpœnaed here?

(Mr. Brumm, on behalf of contestant, objected that conversations had with other witnesses subpœnaed by incumbent are irrelevant and immaterial, and could only tend to contradict incumbent's own witness.)

A. Several of them.

Q. Did you have any conversation with them about declining to answer certain questions if they were asked you?—A. I had a conversation that I would not answer such questions unless you could prove my

papers unlawful; fraudulent papers; but not such questions as that. I told them I would not answer who I voted for; it was not about money matters; it was all about you and Nutting.

PAT. CUMMINGS.

Sworn and subscribed before me this 26th day of February, 1877.

C. LITTLE, *Notary Public.*

MICHAEL MONAGHAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct-examination by Mr. Reilly:

Question. Do you live in Shenandoah, in this county?—Answer. Yes, sir.

Q. Were you there at the time of the election last November?—A. Yes, sir.

Q. Have you any knowledge of the payment of money for the purpose of securing votes or influence for the election of any candidates on the Republican ticket last fall?

(Mr. Brumm, on behalf of contestant, objected: 1st, because the receiving of money or paying of money for any other purpose, except to affect the election of the parties at issue, cannot be evidence; 2d, that the receiving of money or paying of money by any person or party other than the parties to this issue or those authorized by the parties to this issue, and within the knowledge of this witness, cannot be evidence; 3d, that it is unfair to this witness to require him to answer any question that will criminate himself, or tend to criminate himself, without the witness be first cautioned that he need not answer any such questions; 4th, the question is leading, and suggestive of the answer to their own witness, and, in the shape in which it is put, is immaaterial and irrelevant, and impertinent to this issue.)

The COMMISSIONER. I will say to this witness, once for all, that you are bound to answer whatever questions are put to you, unless the answer would either criminate yourself or tend to criminate yourself; in all other cases you are bound to answer.

A. I do not answer no such questions.

Q. Why?—A. Because I say that there is money on both sides, so far as I can see, at all times.

Q. Is that the only reason that you refuse to answer this question?—A. That is the reason. I do not care about answering any such questions as that. It is for you to prove that I know anything about this money; not for me to answer.

Q. It is for you to answer. If we did not think so we would not ask the question. If you have any knowledge upon that subject you can state it, unless you have a good reason in law not to answer it. You are bound to answer unless, as instructed before, it will criminate you.—A. I won't answer it.

Q. You refuse to answer it?—A. I do not see how I can.

Q. Do you refuse to answer upon the ground that your answer would criminate or tend to criminate yourself?—A. Perhaps it would.

Q. Do you decline to answer upon that ground?—A. Yes, sir.

Q. Will you state whether or not you received any money for your vote or influence at the last election in November?—A. I did not state any such thing.

Q. You decline to answer?—A. I do.

Q. Upon what ground?—A. I came here to see if you would prove that; that is what I guess.

Q. Upon what ground do you decline to answer the question?—A. Because I think it is not legal for me to come here and answer such questions.

Q. That is not a good reason. Why do you decline to answer that question?—A. I have already answered it. I did not receive no money, not from no man, no candidate whatever.

Q. Do you mean that you did not receive any money for the purpose of securing your vote or influence from any candidate?—A. No, sir.

Q. Or from any person at all whatever?—A. No, sir.

Q. State whether you received any money from Mr. Martin Monaghan.—A. No, sir.

Q. Did you pay out any money or offer money to other persons for the purpose of securing their vote or influence?—A. Yes; I did give out some money for their days' wages.

Q. Tell us who the parties were that you gave the money to.

(Mr. Brumm, on behalf of contestant, objected that the parties to whom money was given for legitimate purposes cannot affect this issue.)

A. I paid it to different men.

Q. Teil us who the men were?—A. I do not think I am bound to tell you.

Q. Do you refuse to answer?—A. Yes,sir.

Q. For what reason?—A. From the reason that these men had money from both sides, as I said before; there was money on the other side as well as this money, and I think I have a right if I have a few dollars to go for which candidate I have a mind to for my money.

Q. How much money did you pay out to different parties?—A. Well, I cannot tell.

Q. About how much?—A. I cannot tell you, indeed, how much.

Q. I will repeat my former question then: to what parties did you give the money; what do you say?—A. I do not say much now.

Q. Will you answer the question?—A. No, sir.

Q. Why do you decline; for the same reason you stated a moment ago?—A. Because I do not feel like doing it.

Q. You do not decline to answer upon the ground that it will tend to criminate you?—A. I am not a bit afraid that it will criminate me.

(Mr. Brumm, on behalf of contestant, objected to questions as leading and attempt to contradict incumbent's own witness; witness having before stated that he did decline to answer, because it might tend to criminate him.)

Q. You refuse to answer the other question as to how much you paid out?—A. I could not tell that.

Q. State whether or not you had any agreement with Martin Monaghan as to the course you should pursue in the last election?—A. I did not state any such thing.

Q. I did not ask you that; I asked the question whether you had any agreement or understanding of that kind?—A. I do not think I am bound to answer you this question.

Q. You decline to answer it?—A. I do.

Q. Why?—A. Because if I have a conversation with a man I do not think it would be proper for you to know, or anybody else.

Q. You do not decline to answer upon the ground that it would criminate you, or tend to criminate you if you did answer it?—A. No. I am not a bit afraid of criminating me.

Q. Have you had any conversation as to your testimony here since you have been subpœnaed, as to what you should testify to.

(Mr. Brumm, on behalf of contestant, objected that conversations with

persons, without setting forth or showing that they have anything to do with the parties to this issue, are irrelevant and impertinent.)

A. I cannot answer such questions, whether since I have been subpœnaed I have been talking about it. You might as well ask me whether I had a conversation with a woman.

Q. Have you had a conversation with any person as to what you would testify to here after you were sworn?—A. No, sir.

(Mr. Brumm, on behalf of contestant, objected that the question stated a matter not true in fact, as incumbent did not ask the witness anything with reference to his testimony heretofore.)

Q. What is your answer?—A. I have already answered it.

Q. Did you have any conversation with parties as to what your testimony would be?—A. No, sir; I have not answered that question.

Q. That is the question I ask you to answer now?—A. I do not understand this question; after I was sworn I did not leave the room yet.

Q. Have you had a conversation with any person as to what you would testify to here, after you were sworn?—A. No, sir; I have not.

Q. Why did you pay out money to different parties at the last election?—A. Because I generally have a selection in the candidates of my own.

Q. And you did it of your own motion?—A. It appears so.

Q. And of your own funds?—A. Yes; I always have a little funds.

Q. Had you any agreement or bargain that you were to be reimbursed for any moneys expended in that way?—A. Not to my knowledge.

Q. You refuse to tell us how much you expended?—A. Yes; I cannot.

Q. Or the parties to whom you gave it?—A. Yes, sir; I cannot tell you that either; not now.

Q. Can you name any one of the parties?—A. Not now.

Q. What particular candidates did you give this money to parties to work for or vote for?

(Mr. Brumm, on behalf of contestant, objected that whatever candidate it was given for cannot be testimony unless it was their candidates interested in this issue; and, second, that it is unfair to ask the witness without cautioning him as to his rights to answer where it criminates or tends to criminate him.)

A. I am not bound to answer this question.

Q. You decline to answer it?—A. Yes; I decline to answer it.

Q. For what reasons?—A. Because this man [indicating Mr. Brumm, of counsel for contestant] tells me I am not bound to answer.

Q. Did you offer any person any money to vote for James L. Nutting for member of Congress from this district?—A. No, sir, I did not; not naming him; not naming Mr. Nutting or any other man.

Q. To work for candidates on the Republican ticket?—A. Yes, I offered that.

Q. You still refuse to answer who they were—the parties?—A. I guess you know these men already.

Q. I want you to tell us?—A. John McGrail is all the man I know.

Q. How much did you offer him?—A. Well, I did not offer him any certain sum, but I thought I would be as good as ten dollars to him; that is what I said—that I thought I would.

Q. Any person else?—A. I decline that.

Q. You decline to answer that question?—A. Yes, sir.

Q. Do you decline to answer upon the ground that if you did answer it would criminate you; is that the reason why you decline to answer?—A. I do not see how it would criminate me.

Q. Is that the reason you decline to answer?—A. I do not suppose I am bound to answer.

Q. That is the only reason you have for not answering, that in your opinion you are not bound to answer?—A. Yes, I think I am not.

Q. State whether or not you were present at any meetings of other parties in which he said as to how each should vote for a consideration of some money was discussed?

(Mr. Brumm, on behalf of contestant, objected; unless parties to this issue were present it cannot be evidence.)

A. I never spoke to no man more than one at one time about election, except we were talking in some public place; not anything serious in it at all, I think.

Q. Then you did not attend any such meeting?—A. No, I did not attend no meeting.

Q. At a consultation?—A. There were several consultations about it.

Q. At which the subject of how you should vote for a certain sum of money was discussed?—A. No, sir; I never was.

Q. State whether or not you took an active part in the last election in favor of the Republican candidates, or certain Republican candidates?

(Mr. Brumm, on behalf of contestant, objected that every citizen has not only the right but it is his duty to take an active part in all elections, and therefore the question is irrelevant and immaterial and not pertinent to this issue.)

A. Well, of course, there is not an election in my lifetime but I had a favorite of some side, and I intend to keep it so while I live, and I think that is about as far as I can go.

Q. State whether or not you took an active part in the last election in favor of the Republican candidates, or certain Republican candidates?

(Mr. Brumm, on behalf of contestant, objected that the party had no right to ask witness as to what party he supported, only so far as relates to the parties at issue, and then only when he is proven an illegal voter himself.)

Q. What did you consider a day's work—pay for a day's work to the parties you gave money to?

(Mr. Brumm, on behalf of contestant, objected to what the witness considers pay per day for a day's work, as not material to the issue.)

A. Am I bound to answer that question?

The COMMISSIONER. The only kind of question that you can refuse to answer is one that will tend to criminate you.

A. I don't know; sometimes men had different wages. A man should have more wages at that than at anything else, I think.

Q. I asked you how much you paid to these men for what you say was a day's work?—A. Well, to the best of my opinion, it is ten dollars.

Q. To how many men did you pay it?—A. I cannot account for that, I told you before.

Q. Was there as many as ten?—A. No, sir.

Q. Or five?—A. I do not know how many.

Q. Do you think there was as many as five, to the best of your knowledge?—A. I don't know; I cannot say that to-night.

Q. Can you say whether it was more than five?—A. I don't think it was, but I cannot say.

Q. And you say this money was given out of your own pocket, out of your own individual funds?—A. I never received a cent from Martin Monaghan in my time for electioneering, nor from James B. Reilly either, although I received some from that resources.

Q. Was it paid out of your own individual funds?—A. It was, sir; and it was not the first time, either.

Q. Did you not have an arrangement with certain other parti es that you were to secure votes for the Republican party and candid ates in consideration of receiving a certain amount of money?

(Mr. Brumm, on behalf of contestant, objected for same reason stated above to similar question.)

A. Didn't you object to that question I am to answer? I am no party man at all; there is no party man in me.

Q. What do you say to the question?—A. I did not understand the question just now.

Q. Did you not have an arrangement with certain other parties that you were to secure votes for the Republican party and candidates in consideratiou of receiving a certain amount of money?—A. No, sir; I was not.

Cross-examination (reserving all exceptions as noted in the cross-examination of previous witnesses) by Mr. Brumm:

Q. Such money as you paid out to parties was for legitimate purposes; to pay their traveling expenses?—A. Yes; to pay their traveling expenses.

Q. You did not go to anybody and buy his vote of him?—A. No, sir; I never did.

Q. This money was given to men you knew were favorable to your candidates, to use for legitimate expenses at election?—A. For their day's wages—for their expenses.

Q. How much traveling expenses did you pay?—A. I did not say that I paid any.

Redirect examination by Mr. Nash:

Q. How much did you pay these parties for traveling expenses?—A. I answered that question a few minutes ago; I answered I thought it was something like $10.

Q. Where did they travel to?—A. Around town, of course; and if they wanted to go out of the town they could.

Q. How much of that $10 was for actual traveling expenses?—A. I did not make any arrangement whether they were to travel the year upon it or not.

Q. Were there men in each ward of Shenandoah?—A. No, sir.

Q. In how many of the wards to whom you paid traveling expenses and day's work?—A. In two; the fifth ward, and I do not know whether it is the third; I do not know which ward now.

Q. How many had you in the fifth ward?—A. I told you I couldn't tell you.

Q. How many had you in the third ward?—A. If I could tell you how many was in the other ward I could answer you. I cannot tell you.

Q. Had you any in the neighboring townships?—A. No, sir.

Q. In Mahanoy or any of the other townships?—A. No, sir; I didn't get that rich yet; I hope that I may.

Q. In whose interest were these men to travel and do their day's work?

(Mr. Brumm, on behalf of contestant, objects, that the witness not being proven an illegal voter, it has a tendency to get out of him indirectly what they had no right to force him to answer directly, viz, as to how he voted.)

A. It is likely they were to do it in their own interest as long as they had their money.

Q. Had you not an understanding with them before you gave them

the money as to whose interest they were to do this day's work in?—A. Had I an understanding with them?

Q. Yes; before you paid them the money.—A. These men had an understanding, so far as I know, before I ever spoke to them.

Q. How came you to pay them the money, then, if you didn't have an understanding?

(Mr. Brumm, on behalf of contestant, objected that it is a cross-examination of incumbent's own witness.)

A. It was for special purposes.

Q. What were those especial purposes?—A. Election-days are generally days that a man wants a little drink occasionally, and we are very fond of it ourselves, and we took it in that way. Are you satisfied?

Q. Then you gave them ten dollars for the purpose of drinking, and for no other especial purposes?—A. For their day's wages and drinking expenses and their traveling expenses—let them drink it, or do what they had a mind to with it. What did I care?

Q. Why did you give them this money to drink on election-day?—A. They drank the worth of it, so far as I know.

Q. I am asking you why you gave them the money?—A. Cannot I do what I like with my own?

Q. You must answer the question.—A. Didn't I answer you? I can do what I like with my own.

Q. Why did you give it to them?—A. Because I had a mind to give it to them.

Q. For what purpose?—A. I have answered it several times.

(Mr. Brumm, on behalf of contestant, objected to the question immediately preceding, as being cross-examination of incumbent's own witness.)

Q. Will you swear here now that not any of the money that you gave out either on election or before it to these parties for their traveling expenses or day's work, was not paid to you by other parties to be given for this purpose?—A. Not paid to me.

Q. Then if it were not paid to you, to whom was it paid?

(Mr. Brumm objected, on behalf of contestant, to the question, that there is no evidence here yet that any money was paid to witness, and that it is cross-examination of incumbent's own witness.)

A. I didn't know to whom it was paid to.

Q. Then you swear that all the money you paid out that day for election purposes was your own money, and not received from other parties?—A. I never received it from other parties; I never did.

Q. Did anybody else receive it from other parties for you?—A. I don't know; they may receive it down in Washington for all I know.

Q. From whom did you receive it?—A. I told you I did not receive it from no man.

Q. It was your own money?—A. It was my own money.

Q. Earned by yourself?

(Mr. Brumm, on behalf of contestant, objected that it is leading and cross-examination of incumbent's own witness, and impertinent and immaterial, witness having sworn that it was his own money, and that incumbent has no right to ask his own witness how he came by that money.)

A. Well, my wife earned some. She has a right to earn some as well as me. She is a housekeeper, and has a right to earn some as well as me.

Q. Cannot you tell us the names of the parties to whom you paid this money for the day's work?—A. I answered you before, "I could not."

Q. Is it because you forget who they are?—A. Yes; just now.
Q. Just now you forget who they are?—A. Yes, sir.
Q. Can you tell by referring to the books or memoranda?—A. I did not keep any books. I am a very poor scholar.
Q. Cannot you remember anybody else besides John McGrael?—A. Not now I cannot.
Q. When can you?
(Mr. Brumm, on behalf of contestant, objected to the question as nonsensical and not admitting of a sensible answer.)

his
MICHAEL + MONAGHAN.
mark.

Sworn and subscribed before me this 26th day of February, 1877.
C. LITTLE,
Notary Public.

Examination adjourned until nine o'clock to-morrow morning.

TUESDAY, *February* 27, 1877.

Examination resumed at 9 o'clock a. m., pursuant to adjournment.
Counsel on behalf of both parties present.
W. R. Smith and J. H. James also appear, with counsel, for contestant.
J. F. Minoque also appears, with counsel, for incumbent.

MICHAEL QUIGLEY, being duly sworn, according to law, doth depose and say, in answer to interrogotaries, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In the east ward of Ashland.
Q. You are a voter there?—A. I am, sir.
Q. Did you vote at the last election?—A. Yes, sir.
Q. Do you know of the offer of money or other valuable consideration for the purpose of influencing voters at the last election in Ashland or in its immediate neighborhood?—A. I have heard of it, but I have not seen it.
Q. From whom did you hear it?—A. From different parties, just rumored.
Q. Did you ever attend any meeting at the house of Martin Monaghan in Ashland at which politics were discussed—a caucus or meeting?
(Mr. Smith, on behalf of contestant, objected.)
A. Do you call it a meeting where a few friends sit down and talk? I have been in Monaghan's house where several parties were sitting down and talking over different matters, talking politics and one thing and another.
Q. During the last campaign?—A. Yes; and before that.
Q. Prior to the election?—A. Yes, sir.
Q. Who were there?—A. There was different parties there. I was there myself, and Monaghan was there, and I saw Francis Naughton there.
Q. And Michael Kelly and several parties there?
(Mr. Brumm, on behalf of contestant, objected to the question as suggestive of the answer to the witness.)
A. I think there may have been a couple there. I do not remember.

I think I saw Frank Naughton there. John Naughton, and, I think, Patrick Mulhearn was there one night. That is about all I remember.

Q. Were there any persons there from the east ward?—A. I disremember. I don't remember, to the best of my knowledge, only myself from the east ward, as I am aware of.

Q. Did that happen more than once during the last campaign?—A. No, sir. I never seen any crowd there. I have been in there when there was two or three there, but I never had any counsel there.

Q. At any of the meetings there were there any parties there besides you from the east ward?—A. I never saw anybody from the east ward only Patsey Haly and Martin Monaghan himself and family. I do not remember anybody else.

Q. Was there anybody there from the middle ward at any time when you were present before the election?—A. Patrick Mulhearn; I think he lives in the middle ward.

Q. Anybody else?—A. Not that I remember. Let me see; I cannot tell exactly which ward the Naughtons live in, but I think it is the upper ward or the west ward.

Q. Do you recollect anybody from the middle ward?—A. Beside Patrick Mulhearn? I don't, indeed.

Q. At whose instance did you go there; at whose instance did you go to Monaghan's?

(Mr. Brumm, on behalf of contestant, objected to the question as leading and cross-examination of incumbent's own witness.)

A. Well, I was on the street one night and Martin Monaghan asked me how I was making out, and he told me to come up to the house, and we had a little talk, and we had a bit of conversation, and I did go there, and that was all the invitation I got from the man.

Q. Did you meet these parties there then?—A. No; I do not believe there was any person in the house when I went up.

Q. That same evening?—A. No, sir; I did not. I don't think I did that evening.

Q. Or any other evening?—A. It was some time afterward when I saw these parties I mentioned there.

Q. At whose request did you go there?—A. At my own request; just pleased myself; of my own accord; nobody told me to go there.

Q. Were you in any meeting in Martin Monaghan's when the subject of the committee for each of the wards was discussed?—A. A committee?

Q. Yes; of men for each ward.

(Mr. Brumm, on behalf of contestant, objected to the question as leading and irrelevant and impertinent to the issue.)

A. I was there one night when Martin Monaghan and me were talking there a while, but I don't remember the mentioning of committees.

Q. What did he mention?—A. He just mentioned to me and Haley that we should electioneer and lose a day at election-time, and he would see that we were compensated for it, and he would pay us for the day's labor.

Q. In whose interest were you to electioneer?

(Mr. Brumm, on behalf of contestant, objected that it is irrelevant and immaterial, except so far as it applies to the parties in the issue.)

Q. He never mentioned neither Democrat nor Republican to me, but he told me and Haley that we knew what to do.

Q. What did you understand by that?

(Mr. Brumm, on behalf of contestant, objected to the understanding of the witness as immaterial and irrelevant.)

A. I had my own mind made up, and he could not make me one way or the other. I did what I thought would suit myself.

Q. Did you know what you were to do?—A. I did not know what was in his mind.

Q. What was this pay to be for—this day's pay?—A. I judged by the way he talked that it was to work in his favor—the way he wanted it to go. He did not mention that, though, to me.

Q. Was it in favor of any of the members of any party?—A. No.

Q. How much was to be paid for this day's work?

(Mr. Brumm, on behalf of the contestant, objected to the question as irrelevant and immaterial.)

The WITNESS. Am I justified in that?

The COMMISSIONER. You are bound to answer unless it will criminate or tend to criminate you.

The WITNESS. I object to answering, because it will criminate me.

Q. Who was to pay this money?

(Mr. Brumm, on behalf of contestant, objected to the question as irrelevant and immaterial.)

A. I expect that Monaghan was to pay this money.

Q. Which Monaghan?—A. Martin Monaghan.

Q. How much was to be paid?

(Mr. Brumm, on behalf of contestant, objected to the question as irrelevant and immaterial.)

A. I told you before I did not know anything about anybody else's business.

Q. How much money was to be paid that you know of?—A. I do not know anything about anybody else's business. I have answered that question.

Q. How much money do you know——?—A. I do not know anything about what anybody else was to get.

Q. Do you know how much Martin Monaghan paid to anybody else?

(Mr. Brumm, on behalf of contestant, objected to the question as irrelevant and immaterial, and cross-examination of incumbent's own witness.)

A. I don't know how much money anybody else was to get.

Q. Do you know how much Martin Monaghan was to pay anybody else for this day's work?—A. I do not know anything except my own; I do not know anything about anybody else's business.

Q. Do you know that Martin Monaghan was to pay anybody else?—A. No, sir; I do not.

Q. Including yourself?—A. How do I understand that? You want to know how much Monaghan was to give to any other parties.

Q. To anybody?—A. I don't know any person outside of myself.

Q. To yourself or anybody else?—A. I told you before I am not going to answer that question how much he was going to pay me.

Q. Let me instruct you, and say this to you: You say Martin Monaghan was to pay certain parties—whether it may be yourself or others—a certain amount of money for day's work; we want you to answer how much was to be paid, without saying to whom it was paid, whether to yourself or anybody else.

(Mr. Brumm, on behalf of contestant, objected to the question as irrelevant and immaterial, and as a cross-examination of incumbent's own witness and leading).

A. He told us that he would see us paid for our day's labor.

Q. How much?—A. I do not want to answer that question; I think it would criminate myself.

Q. Who was it he wanted to stop home from his day's labor?—A. Along with me?

Q. Yes, sir.—A. Patrick Haley.

Q. What were you to do when you stayed home from your day's work?—A. When he told me this he said we knew what to do, and didn't mention any party or who we were to work for or anything of that kind.

Q. Did you know what to do?—A. I knew what to do next day and I done it, too.

Q. Did you know what ticket Martin Monaghan voted for?

(Mr. Brumm, on behalf of contestant, objected to the question as irrelevant and immaterial, and that the best evidence would be Martin Monaghan, who is still alive and one of the witnesses subpœnaed in this case.)

A. I don't know how Martin Monaghan voted.

Q. What party was he working for?—A. That is the question. I have heard he was working for President Hayes and the Republican party, but just from hearsay.

(Mr. Brumm, on behalf of contestant, objected to the last answer as hearsay testimony.)

Q. Did you not know that you were to stand at the polls and work for that party in consideration of this day's pay?—A. He never asked me to stand at the polls.

Q. What were you to do; that is, I mean outside of your own voting?—A. He told us we knew what to do and not to work that day.

Q. After this conversation, had you any conversatian with Edward Monaghan with relation to the different parties or candidates at the last election?

(Mr. Brumm, on behalf of contestant, objected to the question as incompetent and immaterial, unless it relates directly to the parties to this issue).

A. I didn't; I never made a contract or a bargain with Mr. Monaghan to work for any party at all, either Republican or Democratic.

Cross-examination (reserving all exceptions as noted in the cross-examination of previous witnesses) by Mr. Brumm:

Q. Whatever understanding you may have had with Mr. Monaghan in reference to the election, it was all for legitimate purposes?—A. That is the light I understood him.

Q. You never offered to sell your vote, and you never offered to buy anybody else's vote?—A. No, sir; nor did I stay there and electioneer for any party.

Q. You never offered to use any corrupt influence to buy any vote?—A. No, sir; not so much as a drink.

(Contestant's counsel asks for admission of Levi C. Leib, of the borough of Ashland, to the room in which this examination is now being held, to assist in giving information to aid in the cross-examination of witnesses, especially as Mr. Nutting, the contestant, is absent by reason of serious sickness in his family, and Mr. Leib is the only person resident in the vicinity of where the witnesses reside, and the only one competent to furnish information.

Mr. Nash, on behalf of the incumbent, objected to his admission because he is neither a party to the issue nor counsel, and that he is a Federal office-holder, being postmaster of Ashland, and that J. H. James, esq., of counsel for contestant, is a resident of Ashland, and Mr. Miller, assisting the contestant, is a resident of Ashland, and Gen. J. H. Siegfried is also present, assistant counsel for contestant.

Mr. Brumm, on behalf of contestant, further stated that Mr. James, of

counsel for contestant, is compelled to leave town on professional business, and Mr. Miller is here for clerical purposes, and as messenger, and is not acquainted with the facts necessary to be elicited on cross-examination.)

The COMMISSIONER. I have no power to admit any person, as it is not a public right that any one can ask to be admitted against the consent of the party taking the depositions.

(Mr. Brumm, on behalf of the contestant, protested against the presence of Mr. Calihan.

All parties then retired from the examination-room, with the exception of the commissioner, the stenographer, the respective counsel, the witness, and the doorkeeper).

Q. Did John J. Donahoe, or any person else, at the Tunnel colliery, request you to sign a telegram to a man named Casey for the purpose of securing certain action with reference to last fall's election?—A. Yes, sir.

Q. Did he pay any money for that purpose?—A. Yes, sir.

Q. Was that with reference to the Democratic or Republican party?—A. The Democratic convention; it was held here for Dr. McKibbin.

Q. Was that telegram sent?—A. Yes; he gave me the money to pay for it and I sent it.

Q. Did you get any money with reference to the last fall election from Jeremiah Taylor?—A. No, sir.

Redirect examination by Mr. Nash:

Q. Did you meet any of the parties representing the contestant yesterday or to-day, subsequent to your subpœna?—A. I met them to-day.

Q. Where?—A. I saw—I was talking with them on the street here, on the corner.

Q. To whom were you talking?—A. I talked with Captain Leib.

(Mr. Brumm, on behalf of contestant, objected to all the foregoing questions during the redirect examination as irrelevant and immaterial).

Q. Is Captain Leib postmaster at Ashland?—A. Yes, sir.

Q. You saw Captain Leib this morning?—A. Yes, sir.

Q. Did you not see anybody else?—A. I saw parties on the street, for that matter.

Q. Engaged in this contest, and were you speaking to them?—A. I saw him, and James B. Reilly, and Harry James, but never spoke to them about any matter about this here contest.

Q. Did you not meet somebody in Culp's Hotel this morning engaged in this contest?—A. Do you call Harry James engaged in this contest?

Q. Yes; he is of counsel.—A. I was reading a newspaper this morning, and he came in and bid me good morning, and he passed on to his breakfast; that was all.

Q. Did you meet Martin Monaghan this morning and talk to him about this matter?

(Mr. Brumm, on behalf of contestant, objected to the question as irrelevant and immaterial, he not being a party to this issue or concerned in any way.)

A. I came over from the back way and met Martin Monaghan on the corner over here, and bid him good morning, and spoke to him, but never talked to him about this matter.

Q. Did you at any time since you were subpœnaed talk to these parties in relation to this contest?—A. No, sir; I never gave my opinion, and they never gave me advice, or anything of that kind; I thought I would know enough for that myself.

Q. How did Captain Brumm know about this telegram?—A. That is more than I can tell you.

Q. That telegram that was sent to Donahue was in reference to the nominating convention?—A. It was, sir.

Q. In this legislative district?—A. Yes, sir.

Recross-examination by Mr. Smith:

Q. Did you ever speak a word to Captain Brumm in your life?—A. Never in my life.

Q. Did you know him before to-day?—A. I knew Captain Brumm when I was a small boy; I knew him below the mountain, but not to talk to him. I would not recognize him unless he was shown to me. The first time I saw him he was making a speech, and he was pointed out to me.

(A portion of the testimony was then read to witness. Witness waived reading of remainder.)

MICHAEL QUIGLEY.

Sworn and subscribed before me this 27th day of February, 1877.

C. LITTLE,
Notary Public.

HOWELL REESE, being duly sworn, according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In the upper ward.

Q. That is the west ward?—A. On Front street here, in John Chover's house.

Q. Where were you born?—A. Wales.

Q. When?—A. In the year 1837.

Q. Were you ever naturalized; did you ever get any papers?—A. Yes; I have one paper.

Q. When did you come to this country?—A. I am in this country since 1854.

Q. Let me see your paper?

(Witness produces paper.)

Q. Do you know what month you came here?—A. I was here three months before Christmas, anyhow, in Pottsville.

Q. When were you born?—A. I was born on the second day of July.

(Mr. Nash, on behalf of incumbent, stated that this is for the purpose of showing whether he was properly naturalized.

Mr. Brumm, on behalf of contestant, objected that the paper just offered purports to be the record of the court and is therefore the best evidence, and cannot be attacked collaterally.)

Q. How old were you when you came to this country?—A. I was between seventeen and eighteen.

Q. How old are you now?—A. I am forty-one; I will be forty-one the second day of July.

Q. You will be forty-one next July, or were you last July?—A. Next July.

Q. How do you fix your age—how do you fix the time you were born?

(Mr. Brumm, on behalf of contestant, objected that it was cross-examination of incumbent's own witness.)

A. My father put it down and then after we came up to see it we took it from that down; that is the way we are here, anyhow.

Q. How do you fix it that you are forty-one now?

(Mr. Brumm, on behalf of contestant, objected that it is cross-examination of incumbent's own witness.)

A. I am going on forty-one now.

Q. Your next birthday you will be forty-one?—A. Yes, sir.

Q. That will be in July next?—A. Yes; the second day of July.

Q. Who is William Hughes?—A. He is living in Pottsville.

Q. How long has he known you?—A. He knew me since I came to this country.

Q. Where did he first become acquainted with you?—A. In Pottsville.

Q. Did you come straight to Pottsville when you came to this country?—A. Yes; from New York.

Q. Have you paid a State or county tax within two years and before last fall election?—A. No, sir; I did not. I will tell you how I did. I paid in 1873 over in Mount Pleasant, and I moved in June from Mount Pleasant over to Centralia, and I moved in a twelvemonth afterward down from Centralia to this town here, at the top of the town, and you (indicating the doorkeeper) were there the first time you were around collecting taxes, and I said I had nothing to do with you, and the last year I paid the tax.

Q. What time last year?—A. I have it in my pocket (producing receipt). I did so soon as I had money to pay it, anyhow.

(Incumbent's counsel offer tax-receipt in evidence, as follows:)

"ASHLAND, PA., *December* 25, 1876.

"Received of Howell Reese four dollars for State, county, and borough tax for the year 1876.

"A. LALLY, *Collector*."

Q. Did you pay any tax the day you got the receipt?—A. I believe so. I was not in the house, my old woman had it, and I had the receipt when I came home that night, anyhow.

Q. For whom did you vote at the last election?

(Mr. Brumm, on behalf of contestant, objected.)

Cross-examination (reserving all exceptions as noted in the cross-examination of previous witnesses) by Mr. Brumm:

Q. Where did you live in the year 1875?—A. In 1875 I was living at the Red Tavern.

Q. Where is the Red Tavern?—A. Above Centralia here.

Q. What county is that in; Columbia County, is it not?—A. I don't know; I guess you know as well as me.

Q. It is not in this county?—A. No, sir; it is not in this county.

Q. Did you pay any tax while you were up there at all?—A. No, sir; I did not.

Q. Where did you live the year before that—in 1874?—A. I moved from Mount Pleasant in 1874.

Q. I think you said that was in 1873?—A. I paid my tax in 1873.

Q. Then you moved from Mount Pleasant in 1874 up to the Red Tavern?—A. Yes, sir.

Q. What time in 1874 did you move up there?—A. In June.

Q. Did you pay any tax up there for 1874?—A. No, sir; I did not; he never came for the taxes.

Q. What township is that Red Tavern in? Does it belong to Conyngham?—A. I don't know where it belongs to.

Q. Don't you know what township it is in?—A. No, I do not; it belongs to the same township, I guess, as Centralia.

Q. How far is it from Centralia?—A. About a quarter of a mile or half a mile.

Q. Did you pay this tax or see this receipt before last Christmas; this receipt of Lally?—A. Before last Christmas? I don't know; after Christmas I paid it, I guess.

Q. You think it was after Christmas?—A. I believe it was.

Q. Are you sure it was after last election that this was paid; I mean the last fall election?—A. No, before that.

Q. Before the last fall election?—A. Yes, before that.

Q. I mean the Presidential election. Did you have this before the Presidential election?—A. Well, indeed I cannot tell you, sir, to tell the truth.

Q. You said you had it before the fall election?—A. The last election, I mean.

Q. That was the borough election?—A. That was the one I was talking about.

Q. Can you tell?—A. I cannot tell you, indeed; that is the truth.

Q. Can you tell whether it was warm weather when you got this receipt?—A. No, sir.

Q. Was it in the winter?—A. O, yes.

Mr. Smith (continuing cross-examination):

Q. You say you were born in 1837?—A. Yes, sir.

Q. Can you tell us, if you were born in 1837, how old you would be in 1877? You said 41 years; have you not made a mistake?—A. I do not think so, any way.

Q. Add forty-one years to thirty-seven and see whether it don't make it just the time you want; if you were born in 1837 you cannot be over forty years of age now?—A. At the time I received my papers in Pottsville, I was then—I passed forty then and I am going on forty-one.

Q. You say you were born July 2, 1873?—A. Yes, sir.

Q. Then you would be only forty years old next July?—A. Yes. There must be a mistake in the number somewhere; that is the time I have on the book in the house.

Q. You say you have it written down at your house that you were born on the second of July, 1837?—A. Yes, sir.

Q. Who wrote that?—A. My father did.

Q. And that is what you go by for your age?—A. Yes, sir.

(Mr. Nash, on behalf of incumbent, offers in evidence certified copy of naturalization-papers of Howell Reese, upon which William Hughes is witness, dated September 18, 1876, issued out of the court of common pleas of Schuylkill County, and signed by Thomas F. Kearns, prothonotary.)

Redirect examination by Mr. Nash:

Q. For whom did you vote at the last election, at the fall election, for whom did you vote for Congress?

(Mr. Brumm, on behalf of contestant, objected that the ballot is the best evidence.)

A. Let me see; I don't remember.

Q. Nutting was the Republican candidate, and James B. Reilly was the Democratic candidate. For whom did you vote of these two?—A. I do not remember, indeed; it is no use to tell, for I cannot do it. I do not remember, for I was pretty full that day; but I voted for somebody anyhow.

Q. From whom did you get your ticket?

(Mr. Smith, on behalf of contestant, objected.)

A. George Parry gave me the ticket.

Q. Joe Parry's son?—A. Yes; but I did not vote right away, and we went down town and went about a little; but I think that I did not vote right away anyhow.

Q. Tell us whether you voted the Democratic or Republican ticket?

(Mr. Brumm, on behalf of contestant, objected.)

A. I don't know for which I voted.

Q. What is your politics; Republican or Democratic?

(Mr. Smith, on behalf of contestant, objected.)

A. A Republican, sir.

his
HOWELL + REESE.
mark.

Sworn and subscribed before me this 27th day of February, 1877.

C. LITTLE,
Notary Public.

DAVID E. DAVIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. I can't tell you in English, good; in Ashland.

Q. In what ward?—A. Up in the top of the town.

Q. In the west ward?—A. I don't understand.

Q. Did you vote at the last election?—A. Yes, sir.

Q. You were notified to bring your naturalization-papers with you; have you got them? Have you got your citizen-papers with you?—A. Yes, sir (producing papers).

Q. How old are you?—A. Thirty-eight years of age, I believe.

Q. Do you know in what year you were born?—A. Not in English, but I can tell it in Welch.

Q. Do you know in what year you were born?—A. I can't tell you in English.

Q. Tell us as near as you can in English.—A. I don't understand it.

Q. Can you read?—A. I understand nothing about reading in Welch or English.

Q. Can you tell in what year you were born?—A. I believe I could tell what year I was born. I was born, I believe, I am not sure, but I believe it was in 1839.

Q. How long are you in this country?—A. I am in this country now, so far as I can understand, and my English can tell you, from twenty-one to twenty-two years; don't you take that on my oath, because I can't talk English.

Q. Do you know in what year you came to this country?—A. Yes; I believe I could tell you that too. I came here in 1856, I believe.

Q. Where did you come to?—A. Pittsburgh—to McKeesport, the other side of Pittsburgh.

Q. Was it before the war or during the war you came to Pittsburgh?—A. Before the war.

Q. Have you got the tax-receipts?—A. Yes; I have got a couple of them here (producing papers), for two years.

Cross-examination by Mr. Smith:

Q. Are you a naturalized citizen?—A. (As translated) I have only got that one. I was eighteen years of age coming to this country.

Q. This is your paper?—A. Yes, sir.

(Mr. Smith, on behalf of contestant, states that witness produces naturalization-papers, showing that he was admitted to citizenship by the court of appeals of Schuylkill County, on the 18th September, 1876.)

Redirect examination by Mr. Nash:

Q. Were you under or over eighteen years when you came to this country?—A. (As translated.) I came in here the last month of the year, and I was eighteen in May; it was the May after I was eighteen that I came to this country.

his
DAVID + E. DAVIS.
mark.

Sworn and subscribed before me this 27th day of February, 1877.

C. LITTLE,
Notary Public.

Examination adjourned at 12.45 until 2 o'clock p. m.

AFTERNOON SESSION.

Examination resumed at 2 o'clock.

PATRICK HALEY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live; in what part of the borough of Ashland?—Answer. In the east ward, I suppose.

Q. Are you acquainted with Michael Monaghan?—A. Well, yes; I am acquainted with Michael Monaghan.

Q. Did you, at any time in the late campaign, receive money from Michael Monoghan?

(Mr. Brumm, on behalf of contestant, objected that it is irrelevant and immaterial.)

A. I received some money from Michael Monaghan, but he never told me for what purpose it was for, nor for whom to vote.

Q. How much did you receive from him?

(Mr. Brumm, on behalf of contestant, objected that it is immaterial and irrelevant.)

A. About eleven dollars.

Q. Do you know what ticket Michael Monaghan was electioneering for?

(Mr. Brumm, on behalf of contestant, objected that the question was impertinent, irrelevant, immaterial, and not the best evidence.)

A. I suppose he was electioneering for the Republican party. I just think that way.

Q. Did you ever visit Martin Monaghan's house during the campaign?—A. Yes, sir.

(Mr. Brumm, on behalf of contestant, objected that it is irrelevant, and immaterial, and impertinent, and objects to all subsequent questions having the same import.)

A. Yes; before and after.

Q. Who did you meet there before election?—A. I often used to go to Martin Monaghan's; he was a particular friend of mine.

Q. Who did you meet there at any time before the election?—A. I went there often, and I met him and his family, and I met a couple of fellows there. I didn't know their business at that time. John Naughton, and Frank Naughton, and Michael Kelly, and Michael Quigley, and those fellows; I met there once or twice.

Q. Do you know what that money was given to you for?—A. Didn't I tell you before that he gave it to me and never told me anything about politics, and didn't tell me what it was given to me for. He said, "Here is this for yourself, and you can do what you like with it."

Q. Were politics talked at Martin Monaghan's house between Kelley and these parties?— A. They never talked to me about politics.

Q. Did you talk there in the house about politics?—A. O; they were talking about everything there.

Q. I am asking you whether they were talking about politics?—A. Sometimes; but it did not interest me or anybody else, what they were doing.

Q. You heard them talk politics there?—A. Yes; I heard them talk some politics, but it was not the whole story, mind you; there was politics talked everywhere during elections.

Q. Did you ever go to Martin's house by request?—A. Yes; before and after, and he always did since I was a boy. It was no new thing for me to go to Martin's house at that time.

Q. Did he give you to understand how he was going at his house at any time?—A. I heard him talking around the corner the same as everybody else.

Q. What was this money given to you for?—A. I told you he didn't give it to me for anything; he told me I was to do what I liked with it.

Q. To do what you could?—A. No; not what I could, but just what I liked, he says.

Q. Did he say that?—A. Says he, "There is this money, and you can do what you like with it;" these were the very words he said to me.

Q. Do you know what arrangements were made with Kelley and Naughton?—A. No; I don't know anything about Kelley and Naughton or Quigley.

(Mr. Smith, on behalf of the contestant, objected.)

A. What has Quigley to do with it?

Q. Were you present when any arrangements were made at Martin's house; any arrangement to procure Republican votes in Ashland?—A. There was a conversation with me and Quigley, and we were to be down in the lower ward; that is all.

Q. At the poll?—A. Yes; at the poll, I guess; if we wanted to be down here, I suppose.

Q. What to do?—A. Why, the best we could, I guess.

Q. For what? For the Republican ticket?—A. I don't know; it was for ourselves, I guess. I don't know whether we would do that or not. It was not to buy my vote or anything of that kind, but it was to do as I liked.

Q. What were you to stand in the lower ward for on election day; what were you to do?—A. Do what I liked.

Q. Was it not at the polls?—A. At the polls or anywhere I liked.

Q. You and who else?—A. Quigley.

Q. That is Michael Quigley?—A. Yes, sir.

Q. Do you know what Michael got or was to get?—A. No, sir; I don't know whether he was to get or was not to get, or whether he didn't get anything, or anything at all about Mike.

Q. Was not this money given to you for the purpose of standing at the polls and procuring your influence in favor of the Republican ticket on that day?

(Mr. Brumm, on behalf of contestant, objected that the question is leading, and suggestive of the answer to incumbent's own witness, and cross-examination.)

A. No, sir; Martin Monaghan told me that that money was for myself, and I could do what I pleased with it.

Q. When was this money given to you?—A. Some time before the election; I don't know how long.

Q. How long before it?—A. I don't know.

Q. About how long?—A. I guess it might be a week, or three or four days. I don't know. I couldn't say, myself.

Q. Has Martin Monaghan been in the habit of presenting you with $10 and $11 (Mr. Brumm, on behalf of contestant, objected) to stand in that ward or any other ward?—A. No, sir; he has not.

Q. Has he ever presented you with $10 before?—A. No, sir.

Q. Didn't you understand that $10 to be for and on account of political work you were to do?—A. I told you before. I told you he told me it was not for any political purposes he gave me this money.

Q. He told you that?—A. Yes, sir.

Q. When he gave it to you?—A. Yes, sir.

Q. What did he tell you he gave it to you for?—A. That is what he told me for.

Q. For what?—A. That I could do what I liked with it.

Q. How many times did you go to Martin Monaghan's house within the last month before the campaign?—A. I couldn't tell you. I used to go there before and after. I couldn't tell how many times I was there—just so many times before and after.

Q. How many times did you meet Kelley, and Naughton, and Quigley there?—A. I guess some of them I met three or four times and some of them only two. That was the way it was.

Q. You are a Democrat, generally?

(Mr. Brumm, on behalf of contestant, objected.)

A. Yes, sir.

Cross-examination (reserving all exceptions as noted in the cross-examination of previous witness) by Mr. Brumm:

Q. Mr. Monaghan never gave you any money for the purpose of controlling your vote, did he?—A. No, sir; he never told me anything about controlling my vote for the money.

Q. Never gave you any money for anything but legitimate purposes?—A. I don't understand that.

Q. The purposes for which he gave it were legal purposes?—A. I don't know about that; you must come down now. Did he give me the money to vote or anything of that kind—is that what you mean?

Q. Did he give you any money to corruptly influence you in any way?—A. Corruptly influence me?

Q. To influence you in the election corruptly?—A. No, sir.

Q. Or for the purpose of buying anybody else to vote there?—A. No, sir.

Q. But nobody else gave you any money to vote for the Democratic party?—A. No, sir.

Mr. Smith (continuing cross-examination):

Q. You say you are a former visitor at Monaghan's house, and have been for years?—A. Yes, sir.

his
PATRICK + HALEY.
mark.

Sworn and subscribed before me this 27th day of February, 1877.

C. LITTLE,
Notary Public.

JOHN DURKIN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In Ashland.

Q. In the middle ward?—A. Yes, sir.

Q. Do you know Martin Monaghan?—A. Yes, sir.

Q. And Levi C. Leib?—A. Yes; Captain Leib.

Q. And J. Harry James?—A. Yes, I know Harry James.

Q. Do you know whether or not Martin Monaghan and Levi Seib and Harry James were working for the Republican ticket, or either of them, at the last election?

(Mr. Brumm, on behalf of contestant, objected to the question as immaterial, irrelevant, and not the best evidence.)

A. Well, to the best of my knowledge I think Monaghan was.

Q. Do you know whether Leib was?—A. Well, I seen him at the polls one day.

Q. What party was he working for?—A. I think he was working for the Republican party.

Q. Do you know whether J. Harry James was working for the Republican party?—I think he was.

Q. A candidate upon it, was he not?

(Mr. Brumm, on behalf of contestant, objected to the question as leading.)

A. Yes; he was a candidate. I seen him at the polls that day.

Q. Was he working for the party or any part of the ticket?—A. I don't understand right what you call working.

Q. Trying to get votes in for it—electioneering for it.—A. Well, I seen him talking to parties; of course I thought that was what he meant.

Mr. Minogue (continuing direct examination):

Q. Don't you know that during the campaign just before election he was working for it?

(Mr. Brumm, on behalf of contestant, objected to the question as leading, and cross-examination of incumbent's own witness.)

A. I think he was working for it himself. I can't say exactly whether he was working for the party.

Q. He was a candidate upon that ticket, was he not? Harry James was a candidate upon the Republican ticket?

(Mr. Brumm, on behalf of contestant, objected to the question as leading.)

A. Yes, that is what I think he was.

Q. Tell us whether or not you know of the payment of money by Martin Monaghan for the benefit of the Republican party or any part of it.

(Mr. Brumm, on behalf of contestant, objected to the qustion as irrelevant, immaterial, impertinent, and not the best evidence, especially as it is not confined to the candidates in this issue.)

A. He gave me a little money, but he did not say anything to me about the party when he gave the money to me. I don't think he told me to vote, to vote for any party, when he gave me the money.

Q. Did he say to you why he gave it to you?—A. No; he gave me money once, and he spoke Irish and I didn't understand him right. The meaning I picked out of what he said was to go and have a drink, and the next time the meaning I picked out of it was to treat the boys that stood on the corner above me there, and that was the meaning I picked out of it.

Q. How much did he give you?—A. He gave me a dollar once.

Q. The next time?—A. I don't know whether—one evening after I came down town I met him, and I think he was after treating some fellows, and he asked me if I didn't want to go in, or something; but I think it was twenty cents or something of that kind that he gave me, and he spoke Irish then, and the understanding I picked out of it was to go in and have a drink, or something of that kind.

Q. Were you ever at Martin Monaghan's house during the last campaign?—A. Yes; I was at his house.

Q. By whose request?—A. By his.

Q. What was it he wanted you to go there for?—A. Well, we were one night—he came home, and I think he was away somewheres that day, and a few of us were standing together and talking about the election affairs, and he sent one fellow for a quart of whisky.

Mr. BRUMM. Were you there and heard him?

A. Yes, sir.

(Mr. Brumm, on behalf of contestant, objected to any conversation between Monaghan or any person else, as being hearsay evidence.)

Mr. Nash (continuing direct examination):

Q. Tell your story.—A. I didn't understand him when he sent me for this. I think he spoke Irish.

Q. Were you there and heard the conversation?—A. Yes, I was there, and then after he got it, he, too, started off, and asked them to go up to the house, and I stood back on account of me not drinking anything—I didn't care much about going—and so he called to me to come up, and I went up, and we were just talking, and after we got in we sat down and had the drinks around out of the bottle, and after they had a few drinks I got up and started for home.

Q. Was anything said in regard to political matters while you were there?—A. Well, there was, but I can't tell you exactly what was said. I didn't pay so much attention at the time, because I thought he was drunk at the time, or pretty near drunk, and when a man is drunk I don't pay much attention to what he says.

Q. Was any arrangement made there about parties working for the Republican party?

(Mr. Brumm, on behalf of contestant, objected to the question as leading and immaterial.)

A. I don't think there was.

Q. Or anything said about the payment of money over there?—A. I don't think there was; I can't tell you now, exactly. I forget it so much. I think they were talking a good deal of Irish while I was in, and I don't understand much of that.

Q. Who were the parties?—A. Thomas Hurst and Martin Monaghan, and me and Frank Naughton and Patsy Huley.

Q. Was Michael Quigley there?—A. No; not on that night.

Q. Tell us whether or not you were there any night when any arrangements were made about political matters.—A. I went there on my own accord to see Mr. Monaghan, and I think I went there a couple of times and he was not in, and there was no one there but the family.

Q. Then you met nobody there at any time except this night?—A. No; I think I didn't meet anybody, only the party I spoke of.

Q. Did you meet Martin Monaghan at any other time when politics were discussed?—A. I met him several times when politics were talked about.

Q. Was there anything said about paying any money for parties to

work for the Republicans in Ashland?—A. He didn't promise. I am not positive whether he told me I would be all right or not, after the election or before, or something; I can't bring it out right. I forget whether he said that or not; but I think he didn't promise me any sum, or any amount.

Q. Was it before this, before the election?—A. Yes, sir.

Q. You would be all right; what was the reason of your being all right?—A. I am not sure that he said that; I only think so.

Q. What were you to do to make you all right?—A. He didn't say, I don't think; he said if I would stand at the poll once, I think; asked me if I was going to work that day.

Q. Asked if you would stand at the poll?—A. I think so.

Q. Do you remember what for?—A. I don't think, because I came out publicly and said I was going to work against McKibbin, and then when they seen that they thought it was against him I was going to work——

Q. When he talked of your being all right, and about your standing at the polls on that day, did he specify any particular candidate against whom you were to work?—A. No, sir.

Q. McKibbin, or anybody else?—A. No, sir; I think I told or said it myself, that I was not going to work that day, before any of these parties asked me. I think I told them myself that I was going to do it myself.

Q. State whether or not you know of the payment of any money to anybody but Levi C. Leib.

(Mr. Brumm, on behalf of contestant, objected to the question, and all similar questions.)

A. Whether he paid me any money or not?

Q. Yes; or whether you know of him paying anything to anybody else.—A. I don't know of him paying to anybody else; he gave me a little money; me and him is good friends. I guess he would give me money to-day if I wanted it.

Q. When did he give you this money?—A. Well, it was before election.

Q. How long, about?—A. Well, I couldn't state.

Q. About how long?—A. The night before election I went to him, and I had heard that he had some ball tickets, and I asked him for a ticket to the fireman's ball. I heard that he had bought ten or something like that, and I asked him if they were all gone, that I wanted a ticket to go to the ball, and he said they were all gone, and he gave me two dollars, and I suppose it was to go to the ball with; he didn't mention anything else.

Q. Did Levi C. Leib, during the late campaign, ever electioneer with you for anybody on the Republican ticket, or any part of it?

(Mr. Brumm, on behalf of contestant, objected.)

A. I don't believe that Captain Leib ever asked me to vote for a man on the ticket. I told him myself that I was going to vote against McKibbin before the election.

Q. Before the election?—A. Yes; before the election.

Q. Before you got this two dollars?—A. Yes; he gave me two dollars again, and he didn't tell me anything. I think I asked him for something to treat the boys, and he gave me two dollars again.

Q. What are your politics, generally?—A. Well, it is mixed—Democratic and Republican; and sometimes I vote part of the Republican ticket and part of the Democratic ticket.

Q. Was that all the money you got? I don't ask you about anybody outside of Martin Monaghan.—A. I think, but I am not sure, that he

gave me another dollar. I am not right sure of that now, either. I think Martin Monaghan gave me another dollar, but I am not sure. He gave me two dollars along with the twenty cents.

(No cross-examination.)

Mr. Minogue, (continuing direct examination):

Q. Then you swear that you only got out of Monaghan two dollars and twenty cents?

(Mr. Brumm, on behalf of contestant, objected that it was cross-examination and leading.)

A. That is all, to the best of my knowledge, that I got from Michael Monaghan.

(No cross-examination.)

his
JOHN + DURKIN.
mark.

Sworn and subscribed before me this 27th day of February, 1877.

C. LITTLE, *Notary Public.*

JOHN P. NAUGHTON, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. I live in the upper ward—they generally call it the west ward—of Ashland.

Q. Do you know Martin Monaghan?—A. Yes; I am acquainted with the man.

Q. And Edward Monaghan?—A. Yes, sir.

Q. Tell us whether or not you attended any little gathering at Monaghan's house at which politics were discussed.—A. I was several times there.

Q. Who were there when you were there?—A. There was a good many there.

Q. Can you give us the names.—A. Yes; I could give the names personally; three in the lower, three in the middle ward, and three in the upper ward whom I am well acquainted with.

Q. Give us their names.—A. Their names are Michael Quigley, Patrick Cummings, and Patrick Haley; that is, in the one ward, for the east ward. In the middle ward Michael Kelley, Pat Mulhearn—I think that is the name—and Thomas Hurst. In the upper ward he had, before I heard a word of it, my own name enrolled and Francis Naughton and Thomas Heron. I don't believe he knew anything about it, so he crossed off his name and took one man that lived in the middle ward and placed in his name, which was Thomas Campbell.

Q. Did you meet any of these men at Monaghan's house?

(Mr. Brumm, on behalf of contestant, objected to the question and all subsequent questions of like import, that they are irrelevant, immaterial, and impertinent, and not the best evidence.)

A. Yes; most of them.

Q. What arrangement was made at Monaghan's house?—A. The arrangement was——

Q. By whom?—A. By Mr. Monaghan; by Martin Monaghan, who was to act for the Republican party. He was our leader, and he thought we would be governed by him to act on the same principles, for to do as he tells.

Q. Tell us what arrangement was made as to whether any money was to be paid.—A. Yes; he proffered, I am very sure, very many men, but

still I don't know whether he gave them money or not. That was their own acknowledgment to me, some of them.

(Mr. Brumm, on behalf of contestant, objected to anything that they told the witness.)

A. No, sir (witness continuing); what I know is all I am going to say. I will tell the truth, and nothing but the truth; I am under oath here to tell the truth, I believe.

Q. Did he offer you any money?—A. Yes, sir.

Q. How much?—A. He offered me several times as high as thirty dollars, and he told me sometimes that he would give me as much as thirty dollars.

Q. What were you to do for this money?—A. For to electioneer and try my influence for to act for the Republican party.

Q. Tell us whether or not the amount of money which he had control of was named.—A. Well, the gentlemen——

(Mr. Smith, on behalf of contestant, objected that the witness must tell Mr. Monaghan's words.)

A. (Witness continuing.) Mr. Monaghan's words I will relate to you; that is the principle I stand here for, and not upon others.

Q. What amount of money did he tell you he had control of?—A. I was one night in Monaghan's house, and he invited me to the house on the very night I have referred to. Mr. Monaghan showed me the list, and the list showed there was a good many names in that borough and some outside of the borough of Ashland itself—an enrolled list of names, and on the same list he showed me, in plain figures, that there was ten thousand dollars to be distributed. I don't know whether it is in the borough district or not. I don't know exactly where it was to be distributed.

Q. Do you know how many names were on that list?—A. I don't know. That is more than I can tell you at the present time. If I sat here I don't think I could tell you for a long time. There were some names on the list I didn't know; I am not acquainted with them at all.

Q. Did he tell you how much was to come into the borough of Ashland?—A. No, sir; he didn't tell me any such thing, but the words of the man that I have from him I have just repeated in your presence, that is ten thousand dollars that was going to be distributed.

Q. Was there money offered to any person in your presence at any of those meetings?—A. Yes; the man told me that he was to pay such an amount of money to each of these men.

Q. Which man?—A. The man I have referred to that was to canvass in each ward.

Q. What man told you?—A. I mean him—Martin Monaghan. I didn't mean men.

Q. Tell us whether or not he notified you where this money came from.—A. Yes, sir.

Q. From whom?

(Mr. Smith, on behalf of contestant, objected that the declarations of Mr. Monaghan as to the source from which he received the money are not evidence. Mr. Monaghan lives in town and is subpœnaed as a witness, and his testimony would be the best evidence as to the fact, if the witness is admissible at all.)

Q. From whom did he say this money came?—A. Well, he allowed that the money was to come from the standing committee of the Republican party in Schuylkill County, which stood in Pottsville.

Q. At how many different times did Monaghan speak to you about money in regard to these votes?—A. And, moreover, he stated that any

man in office under the Republican government, or commonwealth at least—I don't know which—that they were levied so much—from 1,500 down to 300 dollars—that is, for to fulfill this here treasury.

Q. What are your politics generally—what party do you vote for generally?—A. So far as I have voted yet, here in the United States of America, I voted the Democratic ticket; that is, I never casted a vote in America until the 20th of this month; I guess that was the day of the borough election, I think, here. I voted the Democratic ticket here on that day, and that was the first vote I ever cast here in my life.

Cross-examination (reserving all the exceptions as noted in the cross-examinations of previous witnesses) by Mr. Smith:

Q. You were not born in America?—A. No, sir; not born in America.

Q. Where were you born?—A. I am a native of Ireland.

Q. Since when are you a citizen?—A. Since the 11th day of September, 1876, if I am not mistaken. That is the first day that I got my full naturalization-papers, and then in December I paid my tax. I don't know whether it was that day in September or in December that I became a citizen; but I leave it to you to judge. I got my papers the 11th of September, 1876, and paid my tax in December, but I don't know the exact day.

Q. How long are you in the country?—A. I believe I am going on seven or eight years in the country, or it may be over eight years for all I know.

Q. How old are you?—A. I am 26 years of age, I guess, next summer some time.

Q. Did you vote at the election in November last?—A. Yes; the general election?

Q. Yes, sir.—A. No, sir.

Q. The time that you were to stand at the polls?—A. No, sir; I made no reference to standing at the polls.

Q. What part did you take at the election last fall?—A. Well, I didn't take much in it, because I didn't vote.

Q. I think you told us you lived in the west ward?—A. Yes, sir.

Q. Did you do any electioneering in the west ward?—A. Well, so far as that is concerned, why, I seen some friends, and had a conversation with them, but never told them to vote for such a man and such a man.

Q. Never gave them any instructions how to vote?—A. No, sir; being, as I was, not a qualified voter then, I had nothing to do with it.

Q. Why were you not a qualified voter?—A. Because I had not my tax paid.

Q. How much money did Monaghan give you?—A. The amount of money he gave me, indeed, I am very shameful to tell you, for it was not much.

Q. How much was it?—A. It was a dollar and a half; he gave me only fifty cents and on another day a dollar, but to tell the exact truth the amount on that day that he gave me was scripts; they call them scripts; they were not big bills. He gave me fifty cents to go to a circus and the dollar to enjoy myself on, but still he had promised me $30; but that I told you about before.

Q. What did you do for him that he promised you $30?—A. Indeed, I didn't do much for him.

Q. Did you do anything for him for which he promised to give you $30?—A. I helped him to finish some bottles of whisky sometimes.

Q. That is what you did for the $30?—A. I didn't give that as correct evidence, for he would give me that.

Q. I am asking you for correct evidence?—A. Yes, and I will give you correct evidence.

Q. What did you do for him for which he offered you $30?—A. I did nothing, but he told me to act for the party—to canvass for the party, at least.

Q. Did you ask him for this $30 since election?—A. No, sir; I didn't.

Q. Why didn't you?—A. Well, because when I seen the man had not principle enough in him before the election, I though he was not man enough to give it to me after election; when I saw that he didn't divide this money when, according to his own words, he had to distribute this money.

Q. When were you at Monaghan's house?—A. Well, I was there oftener than I could repeat to you now.

Q. Were you there often before election?—A. Sometimes.

Q. And sometimes since?—A. I was once or twice since, and that was all to the best of my knowledge.

Q. You say you drank some of his whisky. Was he liberal with his whisky and did he have a good deal of it?—A. I guess he ought to be liberal if he had that much money to distribute.

Q. I asked you if he was liberal with his whisky and had lots in there.—A. Well, he spent money pretty freely before the election and he treated a good many. I guess to the best of my knowledge he did.

Q. You drank some of his whisky; did you drink a good deal of it?—A. Not as much as would intoxicate me at each time.

Q. You saw no money paid to anybody else?—A. Well, so far as that is concerned——

Q. I ask you just what you saw.—A. I am under oath here. I will give you the truth and nothing but that, and that I will give you. I will answer what is true. The man in person on one evening, which I don't know what evening or what date it is—I never kept a memorandum of the time—but on this evening the man and I was in company, and he told me to go to such a man, which is the man John Durkin—we generally called him "Crab" Durkin; anyway——

Q. I didn't ask you that.—A. The question you asked was if I seen him give the money to any man. Well, then, it was John Durkin.

Q. You saw him giving money to John Durkin?—A. Yes, sir.

Q. Where did you see him give it to him?—A. On Center street.

Q. Here in town?—A. Yes, sir.

Q. How much of it?—A. Well, that I can't say. I seen the bills, but the figures I didn't see.

Q. Did you go about electioneering last fall?—A. No, sir.

Q. Did you go to anybody and offer to them to get thirty or thirty-three votes?—A. No, sir.

Q. Never offered that many votes for any money?—A. No, sir. Did you mean that I went to electioneer?

Q. Yes. Didn't you go to anybody or any Republican and say if he gave you a certain amount of money that you would bring thirty votes?—A. No, sir; you are entirely mistaken.

Q. Did you work for John P. Colihan; did you electioneer for him for the senate or legislature?—A. No, sir; I believe not.

Q. Didn't you tell Martin Monaghan that you would go and get money from John P. Colihan to electioneer for him?—A. No, sir; but Martin Monaghan told me that he would give me a large amount of money if I only watched John P. Colihan's tracks.

Q. You say that you didn't tell Martin Monaghan that you would go

to John P. Colihan and get his money?—A. No, sir; but Monaghan told me——

Q. Didn't you tell Monaghan that you would go to Colihan and get his money under the plea that you would electioneer for him—for John P. Colihan?—A. No, sir; not to my knowledge.

Q. Didn't you tell him that you would get money from him in that way, and then if he was elected you would turn round and expose him?—A. He told me to do so, and——

Q. You say you didn't tell Monaghan that you would do so?—A. Well, all to get the money out of Monaghan, he told me that he would give me $200.

Q. Didn't you tell him that you would get that money from Colihan?—A. I am under oath here to-day, and I never made a remark to Colihan that he ever offered me a cent of money.

Q. Didn't you tell Monaghan that you would get the money from Colihan, and then, if he was elected, you would expose him?—A. No, sir, I never did; and the man who gave that note to you I would not believe—well, at all.

Q. Didn't you go around to other candidates and ask money from them?—A. Did I?

Q. Yes.—A. Tell me which candidates?

Q. Didn't you go to candidates last fall and ask them for money, and say that you would support them and their ticket?—A. Well, sir, all the conversation that occurred about that was—it happened one evening that I came down here on Center street and I met Harry James, and Harry James and I had a conversation about the election, and I told Harry James that if he would leave all his electioneering to Monaghan that he would be a defeated man, for nobody thought much about him, but to ask him for money I never did; and if the truth is followed up I would give you a little more of it.

Q. How many drinks did you have to-day?—A. I had two drinks of whisky..

Q. Is that all?—A. That is all.

Q. How many drinks did you have since dinner?—A. None.

Q. Where did you get the drinks?—A. I had one drink in this here hotel, and one in A. J. Gallagher's.

Q. Where did you have the drink in the hotel here?—A. Right in the bar-room.

Q. When did you meet Mr. Reilly first since this week?—A. I met Mr. Reilly when I seen him in this room.

Q. When?—A. At this session, yesterday.

Q. Did you have any conversation with him outside of this room?—A. I had a conversation with him this morning.

Q. Where?—A. Right in the room.

Q. Was that the only conversation you had with him?—A. I talked with him in the presence of Mr. Lally yesterday evening, too.

Q. Did you have any conversations with him at any other time?—A. No; not that I am aware of.

Q. Did you not have a conversation with him just before dinner?—A. I believe it is before dinner I had the conversation with him in the bar-room; I couldn't exactly say.

Q. Tell us what conversation you had with him?—A. I asked him if he needed me here to-day on the stand, for I intended to go to work, and that I ought not to be idle.

Q. Was that all you talked with him?—A. No, sir.

Q. Tell us what else you talked with him?—A. Well, the gentleman asked me if I had any knowledge of bribery, and I told him "Yes."

Q. Is that all?—A. And I asked him if I was to be contested before dinner, and he told me I might be; and he asked me if I knew any parties that he gave the money to, and I told him "Not many."

Q. Did you tell him that last evening when you had the conversation with him?—A. I told him last evening here that Mr. Monaghan gave me no money to buy any votes, but I asked him for it on that day, and that was all, but that he promised me money.

Q. Did you tell him that you didn't agree to give your influence—that you didn't promise Monaghan to give him your influence?—A. I told him that Monaghan gave me no money.

Q. But that he promised you?—A. Yes; but he promised me money for my influence.

Q. But did you tell Mr. Reilly that you had not agreed to give Monaghan your influence?

(Mr. Nash, on behalf of incumbent, objects that it is not cross-examination).

Q. I stood on the ground that I need not be contested here, for I objected against it, for the reason why, I was not a qualified voter at the last election; but since I am a citizen, by virtue of my citizenship I don't want to be humbugged, and I want to get out of this.

Q. You told Mr. Reilly that Mr. Monaghan gave you no money or offered you or promised you money; you made no bargain to give Mr. Monaghan your influence?—A. I told Mr. Reilly that Monaghan had promised me money, but that he didn't give me the money offered, and that is it; for still Mr. Monaghan thought to buy my influence.

Q. Did he buy it?—A. No, sir; he didn't buy it if he would be able to buy it. He wanted to buy my influence, and offered to buy my influence.

Q. You refused to give your influence to Mr. Monaghan?—A. Yes; to my own mind, but not in his presence. He wanted to buy every influence to electioneer from the President to the lowest officer in the United States—that is all about it; here are his friends, them I have to corroborate me in this.

Q. Then you say that you didn't promise your influence to Mr. Monaghan, but if he had given you the money you would have taken it any how?—A. I told the man if he would give me the money I would give my influence to him, but still there was something inside of that. That is what I did.

Q. How many times did you go to see Mr. Reilly to tell him what you knew about Monaghan?—A. All the conversation I had with Reilly was twice, and that was on yesterday once and to-day once, I believe.

Q. You told others that Monaghan was only spoiling his chance; you told Mr. James that Monaghan was only spoiling his chance?—A. I told him that Martin Monaghan had no more influence in this district than the simplest man that was ever born.

Q. Did you tell James that you had influence?—A. No, sir; I told him he had no influence, and James told me he would be very glad if I would act for him in this purpose, to use my exertions and influence.

Q. He asked you to vote for him?—A. I don't believe he did, but I guess he would have accepted that, for I had a qualified vote.

Q. You talked a good deal of politics before the election?—A. O, not so very much.

Q. Didn't you come down town here to the post-office—— —A. I am

surprised to have such a contemptible note before me here (indicating paper in the hands of incumbent's counsel).

Q. Is there such a place as Hilder's Hotel?—A. I don't know; not of my own knowledge.

Q. Then you didn't offer to do work for the Republicans in that hotel or in any hotel in town?—A. Not that I mind of.

Mr. Nash (continuing direct examination):

Q. You said something about $200 when you were stopped by Mr. Smith; what did you intend to say?—A. It was to get off the man that got into office so as to have it cast up to him if he got into Congress.

Q. Did you meet Mr. Monaghan since you have been here?—A. Yes, sir.

Q. Did he speak to you about this case going on here?—A. Well, Martin Monaghan, I suppose, talked to me, that is, in reference to the man that was on the stand here, Kelley, yesterday; he talked to me yesterday and called him "Kelley the bum."

Q. Why did he call him that?—A. Well, because he told the truth, I believe.

Q. Did he say anything in reference to what took place at his house, or anything about your testimony here?—A. No, sir; all the words he said, that the squealing would be left to the Galway men and that the county Mayo would not be left—that is what I think he said—that nobody would squeal from the county Mayo, or the Rosscommon men, but he thought no county Mayo man would do such a thing.

Q. What did you understand by that?—A. My understanding was that he thought no man would corroborate Kelley in his testimony but himself alone.

Q. That is Michael Kelley?—A. Yes; this Michael Kelley he had reference to.

Cross-examination (reserving all exceptions as noted in the cross-examinations of previous witnesses) by Mr. Smith:

Q. You say you understand so?—A. Yes, sir.

Q. He didn't say so?—A. No, sir; but he let on the intention that he would like no other man to squeal but him, on the principles that this man kept on.

JOHN P. NAUGHTON.

Sworn and subscribed before me this 27th day of February, 1877.

C. LITTLE,
Notary Public.

HENRY J. PERRY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live; in what ward of Ashland?—Answer. In the principal ward, the west ward.

Q. Did you vote there?—A. Yes, sir.

Q. When were you born?—A. January 6, 1855.

Q. How do you know that you were born at that time?—A. Well, it is on our family record.

Q. What record is that?—A. It is kept at home, in the Bible.

Q. Were you on the registry-list before last election?—A. Yes, sir.

Q. Did you pay any tax before you voted?—A. Before I voted last election?

Q. No, sir; the fall election.—A. No, sir; I didn't pay any, I guess, before the fall.

Q. You are positive you were born the 6th of January, 1855?—A. Yes, sir.

Q. When did you first discover that you had been born on that day?—A. That I can't tell.

Q. How long ago?--A. O, I have known my age since I have known anything.

(No cross-examination.)

HENRY J. PERRY.

Sworn and subscribed before me this 27th day of February, 1877.

C. LITTLE,
Notary Public.

Examination adjourned until 9 o'clock a. m.

WEDNESDAY, *February* 28, 1877.

Morning session. Examination resumed at 9 o'clock a. m.
Counsel for incumbent and contestant both present.

JAMES DONALDSON, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. You live in West Mahanoy Township?—Answer. Yes, sir.

Q. How long have you lived there?—A. To the best of my knowledge about eleven years this month, the 15th, I believe.

Q. You were an officer of the election in West Mahanoy Township?—A. Yes; a judge of election.

Q. When did you come to this country?—A. I came to this country in 1858, in May.

Q. Where were you naturalized?—A. In Pottsville.

Q. When?—A. I believe, to the best of my knowledge, in 1866.

Q. Have you got your papers with you?—A. Yes, sir. (Producing papers.) I will give you the statement, for it was at the time that Mr. Cake ran.

Q. When were you born?—A. I was born in 1837, June 5th.

Q. Were you in the country before that?—A. No, sir.

Q. How old were you when you came here?—A. Short twenty-one.

Q. But over twenty?—A. Yes; over twenty.

Q. These are your papers that you present here now (indicating papers)?—A. Yes, sir.

Q. Did you pay the tax within two years?—A. Yes, sir.

Q. Let me see your tax-receipts.—A. I have not got them; I paid it to John Dean, and to John Coughlin too.

Q. Did you know what time you paid to John Dean?—A. I don't know the exact date; I never paid the tax in the country, but my wife has paid my tax, and she paid my tax to Mr. Dean.

Q. In what year?—A. In 1875.

Q. Do you know what time in 1875?—A. I can't swear to the date positively now.

Q. Do you know where that tax-receipt is now?—A. Well, no; I can't tell you exactly, because I had it at the election-board in November, and the election-board examined it in November, and the witness that I could produce that saw the tax-receipt would be the election-board; that is, Bradshaw and Noon and Jarvis Kiefater; I could produce these witnesses to prove that my lady paid it.

Q. Can you state what time in 1875 that was?—A. I couldn't tell you exactly in what month in 1875, at all.

Q. At what election was it you had this receipt; at the last?—A. I had no receipt at the last election; that is the spring election.

Q. At the fall election?—A. I had it at the November election in 1876. I had the tax-receipt then and it has got mislaid. My children moves it around.

Q. Had you it at the election in 1875?—A. I couldn't say anything about the election in 1875. It is the 1876 election I was speaking of, in last November.

Q. Do you know whether you paid the 1875 tax in 1875 or 1876?—A. Well, now, that question I couldn't answer exactly, but I paid the tax of 1875.

Q. Do you know what the date of the tax-receipt was?—A. I can't remember, because I paid no attention to the tax-receipt at all, on any account.

(Mr. Nash, on behalf of incumbent, offers in evidence certified copy of various papers of James Donaldson, a native of England, in which Thomas McGuire is witness, dated October, 1876, issued out of the court of common pleas of Schuylkill County, and signed by Joseph Fager, prothonotary.)

Cross-examination (reserving all exceptions as noted in the cross-examination of previous witnesses) by Mr. Smith:

Q. You set out in this petition "That you are a free white person, an alien, and desirous of becoming a citizen of the United States, and that you have resided in the United States three years next preceding your arrival at the age of twenty-one years." Did you understand that that was in the petition when you signed it and swore to it at Pottsville?—A. No, sir; I didn't understand that.

Q. What did you understand that you swore to when you gave this paper?—A. I understood when I swore to my naturalization-papers that I came into the country under age, and I swore to that to-day, that I came into the country under age, just the same as I swore before, and I swore then in the Pottsville court-house that I came into the country under age.

Q. If the paper on file there says that you swore that you came in three years before you were of age, that was a mistake, was it not, and you didn't know it was in the paper?—A. Yes; it was a mistake and I didn't know it. My witness is a gentleman that is pretty well respected; I suppose that you all know him, the superintendent of the Reading Railroad Company at Crow Hollow, near Saint Clair shaft.

(Mr. Smith on behalf of contestant stated that he desired it should be noted that the name of "Bechtal" is indorsed upon this naturalization-paper, and that it is indorsed as it is the custom to indorse papers, and that Bechtal was an attorney.)

Redirect examination by Mr. Nash:

Q. Did you ever get any other paper out of the court of appeals of Schuylkill County before that?—A. No, sir.

Q. Any other naturalization-paper?—A. No, sir.

Q. Mr. Bechtal merely filled that paper up for you; is not that all?—A. I don't know; I didn't get a paper when I was there; it was sent to me through the post-office.

Q. Do you know what lawyer filled it up?—A. I don't know; I made no obligations to any lawyer.

Q. Who filled up that paper for you?—A. I don't know.

Q. Was not the paper read to you by the officer who swore you?—A. Not to my knowledge; I don't think it was, because I shall tell you so you shall all understand the same as me. When I went to the court first I was green, as the saying is, in the Pottsville court-house, and I went there for my papers and I inquired where to go to for the purpose of getting them, and I met some person and they directed me to go to a certain place, and being on oath I couldn't go right to the place now where I did go to, but I wrote a statement there that I wanted my papers on age, and they asked me if I had a witness, and I said no, but I could get one, and I went over from the Crow Hollow shaft from Pottsville and got this man; he was at work, and he came along and got to Pottsville as the court was adjourned, and they put us through red-hot; and they asked this witness if he knew me in the old country, and he said he knew my father and mother before I was born, and that he knew me about five years in the country; and whether he was asked anything else I can't remember.

Q. Was it in the court-house in Pottsville?—A. Yes; it was from the room below up into the court-room; to swear to those papers—the papers what I had got, you know—to swear to everything that was in it, I couldn't state that I did that.

Q. You were here during the war, of course?—A. Yes; I was here.

Q. Tell us whether or not during that war you claimed the protection of Great Britain.—A. I got exempt under the protection of Great Britain in 1862.

Q. At the time that you got exempt was it your intention to become a citizen of the United States then?—A. No, sir; not at that time it was not.

Q. How long afterward did you form the desire to become a citizen of the United States of America?—A. I know that it was shortly after that I was married, and that when I got married I made up my mind to stay in America.

Q. How long after that was it you got married—what time did you get married?—A. I believe in October, 1863, I think, or 1862, I am not exactly confident.

Q. What time in 1862 did you get exempt upon the ground that you were a subject of Great Britain?—A. Now, I don't remember really, to be sure and correct about this, to give a true statement, I don't exactly know what day or date, but I think, if I am not mistaken, it was in 1862, but what day and date I don't remember.

Q. It was the time that you were married that you determined to become a citizen of this country?—A. Yes; shortly after I was married; I don't know the day exactly; it might be 1862 that I was married. I am not confident exactly about that but I think it was in the fall of 1862, though.

Q. You voted in West Mahanoy?—A. Yes, sir.

Q. For whom did you vote for Congress?—A. I told you that before; for James L. Nutting.

JAMES DONALDSON.

Sworn and subscribed before me this 28th day of February, 1877.

C. LITTLE, *Notary Public.*

THOMAS GREEN, being duly sworn according to law, doth depose and say in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you reside?—Answer. In Girardville.

Q. When were you born?—A. I guess in 1837.

Q. Where?—A. In England, Nottinghamshire, on the 10th day of August.

Q. When did you come to this country?—A. I came to this country, I guess it must be about 1865; I got off the vessel on Tuesday morning about 1865, as Abe Lincoln was shot on the Friday before. I think that is about twelve years next April.

Q. When were you naturalized?—A. I think I got my full papers just before the Presidential election.

Q. This last election?—A. Yes, sir.

Q. Have you got them here?—A. (Produces papers.)

Q. These are your papers upon which you claim the right to vote?—A. Yes, sir; these are all I have. I had to deliver up the other paper when I got this.

(Mr. Nash, on behalf of incumbent, offered in evidence second papers of Thomas Green, to which M. M. L'Ville is a witness, dated the 5th day of October, 1876, issued out of the court of common pleas of Schuylkill County, with seal of court and signature of Thomas F. Kearns, prothonotary, attached, in which it is recited that Thomas Green, a native of England, exhibited his petition praying to become a citizen of the United States, and it appearing to the said court that he had declared under oath before Hiram Moyer, a prothonotary of the court of common pleas of Schuylkill County, Pennsylvania, on the 7th day of October, A. D. 1874, that it was *bona fide* his intention to become a citizen of the United States, &c.)

Q. Did you pay a State or county tax within two years prior to the last fall election?—A. I have paid every tax for eleven years; nobody pays my tax; I have missed no tax. It is twelve years next fall that I paid my first tax, and I have paid every year.

Q. To whom did you pay the last State or county tax?—A. I guess Darby Gorman.

Q. Have you got the receipts here?—A. I have got the last, but I have not got the others. (Produces receipts.)

(Incumbent's counsel offer receipt in evidence):

"GIRARDVILLE, *December* 18, 1876.

"Received of Thomas Green fifteen dollars and five cents for State, county, and school tax for the year 1876.

"J. GORMAN,
"*Collector.*"

Q. Have you got any other tax-receipt?—A. No, sir; not for the State and county.

Q. Have you got any for the year previous?—A. No, sir; I burned them. I carried them until the Presidential election, and I took them out and lit my pipe with them.

Q. Have you got your tax-receipt for 1875?—A. No, sir; I burned that.

Q. By whom was the tax-receipt for 1875 signed?—A. I think it was signed Darby Gorman, the same; I think I paid it to him.

Q. How much was it; do you know?—A. I could not tell you—something upwards of twenty dollars, altogether, to pay; I mean for the borough tax and all, and this time I have twenty-three.

Q. You did not pay all the tax to one man?—A. No, sir.

Q. Where did you pay the tax to Darby Gorman in 1875?—A. I could not exactly tell you where I paid him; he generally comes around.

Q. Can you tell when you paid him in 1875?—A. No; I could not exactly tell you what day it was I paid him on.

Q. Do you know whether it was in the summer time or winter time?—A. I know it was coming fall when I paid him.

Q. Had you that receipt at the election in 1875?—A. Yes; I had it at the Presidential election.

Q. I mean at the election before that, in 1875?—A. I guess I did not vote at the 1875 election.

Q. For whom did you vote at the last election for Congress?—A. I calculated to vote for Nutting.

Q. Can you read?—A. Yes, sir.

Q. Did you vote for Nutting?—A. I think I did; if I did not, I mistook.

Q. Did you read your ticket?—A. Yes; I think I did.

Q. Can you tell now whose name was on it?—A. I could not tell them all now.

Q. For Congress?—A. O, Nutting.

(Mr. Smith, on behalf of contestant, objected, that the ballot is the best evidence.)

Q. You say that Nutting was on for Congress?—A. Yes, sir.

Cross-examination (reserving all exceptions as noted in the cross-examination of previous witnesses) by Mr. Smith:

Q. Can you tell now when you filed your first paper to become a citizen and declared your intention?—A. No; I could not tell you exactly when it was; it was some little above two years before I got this paper (indicating naturalization-paper in evidence), because I went after the other papers and they would not give them to me until I brought the first papers.

(Mr. Nash, on behalf of incumbent, objected that the record is the best evidence of the issuing of the first papers.)

A. (Continuing.) I went again in two or three days, and I could have got them the first day if I had the first papers.

Q. You are sure from your recollection of the fact that it was a little over two years before you got this paper that you had filed your first paper?—A. Yes, a little over two years. If L'Velle was here he could tell you, if he was there, Darby German would swear for me, and I went into the court-house and saw L'Velle and asked him if he would swear for me, and that I wanted to get my full papers, and he said that he would; that he had known me long enough.

Redirect examination by Mr. Nash:

Q. Can you tell the date when you got your first papers?—A. I could not tell the exact time. I went into the court and got them, and I was down with a witness when I got my first papers.

Q. In November of what year—1874?—A. Yes. I guess it might be 1874; I don't know.

THOMAS GREEN.

Sworn and subscribed before me this 28th day of February, 1877.

C. LITTLE,
Notary Public.

SAMUEL GREEN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In Girardville.

Q. Where were you born?—A. In England.
Q. When?—A. About 1839; the twenty-first day of May.
Q. When did you come to this country?—A. In 1862.
Q. What time of the year?—A. I believe the first day of August, 1862, it was when I got into New York.
Q. You were subpœnaed to bring your papers; have you got them here?—A. Yes (producing papers).
Q. These are the papers under which you claim a right to vote?—A. This is the paper I got in Pottsville court-house; I got them in the prothonotary's office.
Q. How often were you there for papers?—A. Twice; I got a paper in 1866, and I gave them that back and got this one.
Q. When did you pay your last State or county tax?—A. I must have paid it last year some time; I do not know what day; I paid a tax every year since I came into the country with the exception of one year; I guess it was the 18th of December I paid the last tax for 1876.
Q. Have you got any other receipts for State or county tax?—A. (Produces receipts.)
(Incumbent's counsel offer in evidence tax-receipt, as follows:

"GIRARDVILLE BOROUGH, *June* 17, 1876.

"Received of Samuel Green nineteen $\frac{81}{100}$ dollars for county, State, and school-tax for the year 1875.

"JEREMIAH GORMAN,
"*Collector.*"

Q. Who paid that?—A. I paid it.
Q. Did you pay it personally, yourself?—A. Yes; I paid it to him as collector.
Q. Where at?—A. In Girardville; at the house where I was living at the time. It was burned down, and I think I lost all the receipts except these two. I started paying tax in 1863, and I have paid tax every year since then.
Q. That tax paid June 17, 1876—was it a personal tax or was it on property?—A. It is personal tax.
Q. Personal tax is a tax assessed against yourself?—A. I have got a little property, and that is the tax levied against me, and that is what I pay.
Q. Do you know how much of that was for property?—A. No; I could not tell you. I do not know what the property is assessed at.
Q. Is there any other Samuel Green in the borough of Girardville?—A. No, sir; not that I know of.
Q. Whose property was that?—A. It is on my own that I paid the tax.
(No cross-examination.)

SAMUEL GREEN.

Sworn and subscribed before me this 28th day of February, 1877.

C. LITTLE,
Notary Public.

JOHN IRWIN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In East Butler; Rappahannock, they call it. I guess it is East Butler.
Q. You voted at the last election?—A. Yes, sir.

Q. Did you know of the use of money or other corrupt means to carry the last fall campaign in behalf of the Republican party, or any person upon it?—A. No, sir; I did not.

Q. Do you know Martin Monaghan?—A. Yes; I know Martin Monaghan.

Q. And Bryan Monaghan?—A. Yes, sir.

Q. And Michael Monaghan?—A. Yes, sir.

Q. And Edward Monaghan?—A. Yes, sir.

Q. Did you meet any or either of them during the last fall campaign?—A. I did meet Martin.

Q. Where?—A. In his own house; I met him on the road.

Q. You were at his house?—A. Yes, sir.

Q. What took place there?

(Mr. Smith, on behalf of contestant, objected.)

A. They were talking about election, and there were a good many there; I did not know the half of them.

Q. Who was there to your knowledge?—A. Patrick Mullowney was there, and Thomas Heffron was there, and Anthony T. Gaughan was there, and Charley Dougherty was there, and there was a good many strangers there I did not know.

Q. Was the subject of the fall election discussed there?—A. They were talking about the fall election.

Q. If Martin Monaghan, or any other person there, spoke of the use of money to be used during the campaign, tell us what was said.

(Mr. Smith, on behalf of contestant, objected.)

A. Not in my presence. I never heard a word mentioned about money there.

Q. What was this meeting at Monaghan's house for?

(Mr. Smith, on behalf of contestant, objected, as witness has positively sworn that he knows of no corrupt use of money in the election, and that he heard no conversation at this time and place about money whatever, and that it is cross-examination of incumbent's own witness.)

A. Well, I suppose—I didn't know anything about it at all until Martin (I was at work), and he asked me would I come in on Sunday morning—the woman told me, and I came in there, and when I came in there I did not know the reason what I was called for; but, as I stated before, some of these men were along with me, and I came in, and they gave us some whisky. He handed some of them the bottle, and I was not drinking myself—I have not tasted during these six years only once or twice—and they spoke about the election.

Q. What was said by Martin about it?

(Mr. Smith, on behalf of contestant, objected.)

A. The word that Monaghan said I cannot tell you now. That is the honest truth; but they spoke about the election, anyhow.

Q. Tell us the substance of it; you are under oath here.—A. I suppose I am. I cannot tell you exactly the substance of it, but they spoke about the election to do as a favor, if he himself were running, that they were his friends and they would do as he liked. Monaghan said they would do him a favor like, but he did not tell us who to go for or nothing at the time, but we partly guessed ourselves afterwards who he wanted us to go for.

Q. Who did he tell you he wanted you to go for?—A. I would not positively be sure of it, but I thought the way that he thought he would like us to go was for nothing, but the word nothing he did not name, but we heard it like afterwards.

Q. Did you not take dinner at Martin Monaghan's with certain others?
(Mr. Smith, on behalf of contestant, objected that it is leading.)
A. I did, and I would take it again to-morrow. It would not be the first time; I would take it in a friend's house any time.
Q. Did not Martin Monaghan ask you how many votes you could control?
(Mr. Smith, on behalf of the contestant, objected that it is leading.)
A. No, sir; he did not do any such thing.
Q. Did you not in reply tell him that you could control thirty votes at the Rappahannock?—A. No, sir; I did not say such a thing about it, nor one vote neither.
Q. You did not tell him how many you could control?—A. No, sir; I did not.
Q. Did not Martin Monaghan tell you as well as the others there how much money was in this thing?—A. No, sir; he did not tell anything of that kind.
Q. Recollect and tell us what he did say.—A. I told you what he said.
Q. You did not tell us all he said?—A. He might say more, but I don't think now. There was many a word spoken there, but the words I cannot recollect.
Q. About how many were there?—A. I could not tell you exactly.
Q. About how many?—A. I could not tell you.
Q. Were there two?—A. There was.
Q. Were there twenty-two?—A. I mentioned four or five names.
Q. How many others were there?—A. I do not know.
Q. Were there ten more?—A. I do not know for sure.
Q. Was there one more?—A. Did I not mention four?
Q. Was there one more than those you have mentioned?—A. Yes; there was several strangers there, but I did not know their names.
Q. Do you know Levi C. Leib, of Ashland?—A. No, sir; I do not.
Q. The postmaster?—A. I may have seen him.
Q. Do you know whether he was there?—A. I do not know, indeed. I do not know the man, and therefore he might be there, for all I know.
Q. After you were there the time that Martin sent for you, were you afterwards there again?—A. No, sir; I was not in Ashland since that day until this day, I think.
Q. Did Martin have any conversation with you that day?—A. No, sir; he had no conversation with me any more than with the others.
Q. Did he tell you what he wanted of you in there?—A. He told us it was about the election he brought us in there.
Q. Did he tell you why he brought you there about the election, or what he wanted you to do, and what was to be done for you in consideration?—A. Like to vote for these parties.
Q. Do you mean to say that there was nothing at all said about money at this meeting?—A. No, sir; not a word I heard in my presence.
Q. Had you any private conversation at all with him that day?—A. I had not, sir; no private conversation. We were sitting there with the men, as I told you.
Q. Were you there at any other time before this time when the subject of the election was discussed?—A. No, sir; I was not.
Q. Did you see any of the Monaghans to day?—A. Well, Bryan was out with me from Girardville, and the whole crowd of us.
Q. Bryan is a brother of Martin's?—A. Yes; I suppose so, anyhow.
Q. Bryan lives in the same election-district as you do?—A. No, sir.
Q. In the same township?—A. Yes; in the Butler Township.

Q. Then he does live in the same township?—A. It is in the one township, but it is not in the one polling township; he votes at Big Mine Run.

Q. Had you any talk about this election with Bryan?—A. No, sir.

Q. Or with Michael?—A. No, indeed; Michael is a long ways from here, in Shenandoah. I did not.

Q. Or with Ned Monaghan?—A. No, sir.

Q. Do you mean to say that the only time that you were at his house at which this election was discussed, was this Sunday?—A. I do, and I am sure of it; the same day I took dinner there.

Q. How many were at dinner there that day?—A. I do not know; I never counted the men, and therefore I cannot tell.

Q. Had you not money during the campaign from Monaghan or some other person on behalf of the Republican party?—A. I had not.

Q. Were you not offered money?—A. I was not.

Q. For your vote or your influence in that district?—A. No, sir.

Q. Were you not offered it at Martin Monaghan's house this day, or told that you would get a certain sum of money either before or after election?—A. I was not; nothing of the kind.

(Mr. Smith, on behalf of contestant, excepts to the whole of the foregoing testimony and declines to cross-examine.)

Mr. Nash (continuing):

Q. Did Bryan Monaghan talk to you about this investigation when you were coming in this morning?—A. Well, we each of us had a word on it, but he did not talk-

Q. What was said about it?—A. I cannot tell you now, exactly.

Q. I do not want it exactly.—A. I cannot tell you what was said.

Q. What did you say?—A. I said if I was brought in he would not gain anything by it.

Q. That Monaghan would not gain anything by it?—A. No; that Reilly would not have fetched us in for nothing.

Q. What did Bryan say?—A. I cannot tell you. I did not speak to Bryan any more than any other man that was with me.

Q. Do you not remember anything that Bryan Monaghan said this morning on the way coming in?—A. I do not know that he said anything about the election.

Q. Or about this contest?—A. I mean the contest and about the election.

Q. How came you to say that Reilly would not gain anything by this investigation?—A. I did not say it to Bryan.

Q. Who did you say it to?—A. To my own friends along the Rappahannock.

Q. Who were they?—A. Ned Gorman is one and Patrick Mullowney is the other.

Q. Were you ever at dinner before with Martin Monaghan?—A. Yes, sir.

Q. During the last campaign, before this Sunday?—A. I did, but not the same year.

Q. When was it; before the election in 1875?—A. I cannot tell you.

Q. About how long ago?—A. I cannot tell you.

Q. Was it two years ago?—A. I cannot tell you such a thing.

Q. Was it ten years ago?—A. I do not know.

Q. Was it twenty years ago?—A. I was not in the country then; it would not be that far.

Q. Was it fifteen years ago?—A. I guess it is between fifteen and 1876, anyhow.

Q. Was it fourteen years ago?—A. I cannot tell you; I never kept the date, and I was not able to keep it, anyhow.

Q. Was Martin Monaghan at your house more than once during the last campaign?—A. I do not know; I did not see him. He might have—he might be there, for all I know. It was the woman told me he was there this time; I did not see the man, for I was at work.

Q. Were Ned Monaghan and Patrick Mullowney two of the parties in at Monaghan's this Sunday?—A. Ned was not, but Pat was; he was in along with me.

Q. When were you subpœnaed?—A. I am not right sure what day Mr. Lally was out there.

Q. Thursday or Friday or Saturday?—A. I do not know for sure now.

Q. Did you see Bryan Monaghan before this morning since you were subpœnaed?—A. Yes; I seen him Sunday.

Q. Where?—A. In his own house.

Q. You were at his house?—A. Yes, where he lives.

Q. How far is it from where you live?—A. It is more than a half I guess. I came over from church there.

Q. Did you tell him you were subpœnaed?—A. I did.

Q. Did you tell him what about?—A. Yes, sir.

Q. What did you tell him you were subpœnaed for?—A. I said it was about Reilly's case—between Reilly and Nutting.

Q. Did you tell what you were subpœnaed to prove?—A. No; I did not, for the man never asked me.

Q. Did Bryan know that you were at Monaghan's house during the campaign?—A. I do not know indeed if he did or not.

Q. Is Bryan's house on your way home from church?—A. Yes; it is on one road, and it is not on the other.

Q. How long did you talk about this subpœna at Bryan Monoghan's?—A. I don't know as I talked a great deal about the subpœna. I said I was subpœnaed.

Q. Did you know that Bryan was subpœnaed?—A. No, sir; I did not.

Q. Did he tell you?—A. He told me that he was subpœnaed.

Q. Had you conversation about this contested election there?—A. No, sir; the reason I came there was about my tax-receipt; I could not find it in the house; I had lost it; I could not find it whether it was there or not.

Q. Is that the way you usually travel when you go home from church, by Bryan Monaghan's house?—A. No, sir; I came from the church over to the house.

Q. Is that the way you usually go home, by Bryan Monaghan's?—A. No, sir; yes; that is the straight way from the church.

Q. Was that the straight way to come home from the church, by Bryan Monaghan's house?—A. No, sir; it is not.

Cross-examination (reserving all exceptions as noted in the cross-examination of previous witnesses) by Mr. Smith:

Q. How long did you know Bryan Monaghan?—A. I know Monaghan this eleven or twelve years.

Q. How long have you known Martin Monaghan?—A. Something about the same.

Q. You are old friends and acquaintances, are you not?—A. Yes, sir.

Q. Who served the subpœna upon you to come here?—A. I was not in the house. They told me it was Mr. Lally there (indicating the door-keeper).

Q. Have you got your subpœna with you now?—A. Yes (producing paper).

Q. Were you subpœnaed to bring your tax-receipts here for 1874, 1875, and 1876?—A. That is what they read there in the subpœna, and that is the reason I went to Monaghan's to say what he would say about the tax-receipts.

Q. Can you read?—A. No, sir.

(Mr. Smith, on behalf of contestant, stated that the subpœna produced by the witness is dated February 19, 1877.)

Q. Will you tell us if anybody came to tell you what you were to come here for? Did Mr. Lally, or any of his friends, or Mr. Reilly's friends tell you what you were brought here for?—A. No.

Q. That is the only thing you received?—A. Yes; the woman told me I was subpœnaed to come to Ashland, and come on Wednesday.

Redirect examination by Mr. Nash:

Q. At this meeting at Martin Monaghan's how many drinks of liquor did you drink?—A. I stated before that I was not drinking any liquor. I think once is enough to answer a question.

Q. Then you were not intoxicated there?—A. Did I not say I didn't take any liquor in six years only when I was hurt in the face?

Recross-examination by Mr. Smith:

Q. You took no liquor in six years?—A. No, sir; only when I had the doctor and the priest tell me to take it.

his
JOHN + IRWIN.
mark.

Sworn and subscribed before me this 28th day of February, 1877.

C. LITTLE,
Notary Public.

WILLIAM E. HAY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Do you live and vote in West Mahanoy Township?—Answer. Yes, sir.

Q. Are you connected with the Republican party by any official position?—A. Yes; I was on the standing committee, if that is an official position; that is, the county standing committee.

Q. Tell us whether or not you got a list of Republican voters in West Mahanoy Township who had not paid their taxes?—A. Well, no; we did not, only just what we could gather up, if we could gather up any; we looked around and tried to find parties—yes, I did.

Q. About how many did you find?—A. I think about fifteen; I am not positive of the number.

Q. Who paid their taxes?

(Mr. Smith, on behalf of contestant, called for the production of incumbent's answer to contestant's notice to him of his intention to contest his seat in Congress, and objects to the further examination of any more witnesses until the answer is produced and put in evidence, and asserts that the incumbent does in no way in his answer specify the payment of taxes by others than the parties assessed as a ground for the rejection of votes cast at the election for the contestant.)

A. I paid money to the tax-collector.

Q. To what tax-collector?—A. John Donnelly, I believe the name is.

Q. How much did you pay him?—A. Well, indeed, I cannot say; I paid him, I think, sixteen (16) dollars and some cents. I would not say positively. Within a dollar or so, anyhow.

Q. For how many taxes?—A. Indeed, I could not say; I suppose about ten or eleven—some laborers and some miners—some $1.65 and some $1.85.

Q. Where did you receive that money from?

(Mr. Smith, on behalf of contestant, objected.)

A. I will ask you if you will allow me to explain?

Q. Yes.—A. I received the money from Mr. Chambers, at Pottsville. I went to Pottsville after finding this number, or about this number, of poor people, and I asked him if he would try to get me enough money to pay these taxes, as they were unable to pay them; and he said he would and send it to me; and he sent me fifteen dollars, and the balance I paid out of my own pocket.

Q. Do you know what day you paid these taxes on?—A. It was the last Saturday we had to pay taxes on. I have not got my last year's diary here or I could tell you. It was 30 or 31 days before election.

Q. Then that was the last day for them to pay taxes so they could vote at the election?—A. Yes, sir.

Q. To whom were the receipts given?—A. They were given to the parties.

Q. The tax-collector gave you the receipts?—A. Yes; at his house.

Q. When—on this Saturday?—A. Yes; he wrote them out and receipted them, and gave them to me the same evening.

Q. When did you give them to the respective voters?—A. I think the most of them were given out that night, or all of them; I could not say positively—the majority of them anyway. I think they were given out that night. I distributed them out to the parties nearest to where they lived, and I think they gave them out that night. I cannot be positive, though, about it. The tax-collector lives away, so I had to wait over night.

Q. You gave them all out yourself?—A. I do not know what number I did give.

Q. Did you give any out yourself after this night?—A. None that I know of.

Q. Can you tell of your own knowledge whether these parties got these tax-receipts on the night upon which you gave them out?—A. No, sir.

Q. Do you know whether any of these tax-receipts were given out on election-day at the polls?—A. I feel positive that a good many days before election-day I seen these different parties and asked them, and I think directly after I gave them, and I think within a day or two, and they said they were all given out.

Q. Can you tell to whom they were given?—A. No, sir; I cannot. I may tell a few.

(Mr. Smith, on behalf of contestant, objected.)

A. (Continuing.) Jacob Metz, one; Samuel Miller, one; Thomas Jordan, one; William Lewis, one; George May, one; John Becker, one; and I guess that is all I can remember. I hear were a few others; I do not know how many exactly; I believe there were four or five more. I cannot swear to the number.

Q. Did you handle any other political money during the campaign?—A. I did not handle twenty-five dollars in all—tax-receipts and everything.

Q. To whom was this given, the money, the balance besides the tax-receipts?—A. I spent it in traveling back and forth in my fare, and that is about the way it was spent; in fare. There was none given to anybody for the purpose of voting, or for their vote.

Q. Was there any of it given to any other person for electioneering purposes?—A. No, sir; no, sir.

Q. Do you know of any other money used in that township on behalf of the Republican party?—A. No, sir; none that I know of; no money that I ever seen at all.

Q. These were Republican voters to whom these tax-receipts were given?—A. Yes, I believe so; all of them.

Cross-examination (reserving all exceptions as noted in the cross-examination of previous witnesses) by Mr. Smith:

Q. Do you know of any money spent by the Democrats?

(Mr. Nash, on behalf of incumbent, objected that it was not cross-examination.)

A. No, sir; of course hearsay is not knowledge. I never saw any, and of course I cannot swear to what I did not see. I have heard of kegs of whisky brought down there and broken up the party down there.

WM. E. HAY.

Sworn and subscribed before me this 28th of February, 1877.

C. LITTLE,
Notary Public.

PATRICK JOYCE, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. I live in Lost Creek, within a mile of Shenandoah, I guess.

Q. Were you a voter at the last election?—A. Yes, sir.

Q. Do you know of the use of money or other corrupt means to influence voters on behalf of the Republican party at the last election in 1876?—A. No, sir.

Q. Do you know Martin Monaghan or Ned Monaghan?—A. No, sir; I never knew one of them in my life.

Q. Do you know Michael Monaghan, of Shenandoah?—A. I think I know him by eye-sight, but that is all.

Q. Was there an offer of money or other valuable thing to you for your vote and influence?—A. No, sir; I never got even a drink of whisky in payment of it.

Q. Have you not declared that you did receive money?—A. I have declared I never seen these Monaghans here.

Q. Did you not tell parties that you had received money?—A. No, sir; I never did; never got one cent.

Q. Did you not tell parties that it was offered to you?—A. No, sir.

(No cross-examination.)

PATRICK JOYCE.

Sworn and subscribed before me this 28th day of February, 1877.

C. LITTLE,
Notary Public.

PATRICK CURLEY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In the Rappahannock, in East Butler Township.

Q. And voted there?—A. Yes, sir.

Q. Do you know Martin Monaghan?—A. Yes, sir.

Q. Did you meet him at any time prior to the election of 1876?—A. No, sir.

Q. Or any person from him?—A. No, sir. I don't know what you mean by any person from him.

Q. Any of his agents?—A. No, sir; I never did.

Q. Or Ned Monaghan?—A. Yes; I met Ned Monaghan at the polls on election morning.

Q. Had you a conversation with him at that time?—A. Well, no, sir; I didn't hold any conversation with him; but he asked me to vote for a certain person and I told him I would not.

Q. Do you know of the use of any money on behalf of the Republican party?—A. No, sir.

Q. Do you know of the use of any money on behalf of the Republican party at the last election?—A. I never had any knowledge of any. I never had the use of any of their money.

Q. Do you know of any?—A. Not to the best of my knowledge I don't.

Q. Tell us whether or not you received any money the day of election, or at any time prior to the election, for your influence or vote for the Republican party.—A. No, sir; I never did.

Q. Or any person on it?—A. No, sir; or any person on it. I never received a cent on the head of election, with the exception that I was elected a delegate to go to the nominating convention and Jack Calihan paid me two dollars, but he never mentioned anything about politics about it.

Q. Patrick Dougherty is your uncle?—A. Yes, sir.

Q. Tell us whether he ever gave you any money?—A. No, sir; he never gave me a cent; that is, on the head of election business. He may have given me money when I was a child, but I never knew him to give me any since.

Q. Was any money offered to you by him or any other person?—A. No, sir; I did not get any.

Q. Do you know of any money being given or offered by him?—A. No; I do not.

Q. Tell us whether or not the sum of fifteen dollars was given or offered to you by any person.—A. No, sir; no person ever offered me any money under the head of election.

Q. Or about election time?—A. No, sir.

Q. Whether for the election or not?—A. No, sir.

Cross-examination (reserving all exceptions as noted in the cross-examination of previous witnesses) by Mr. Smith:

Q. Calihan was nominated for State senator?—A. Yes; I was elected a delegate to it.

Q. And he received the Democratic nomination?—A. Yes; by acclamation.

(Mr. Nash objected, on behalf of the contestant, that it is no cross-examination.)

Q. You went as a delegate to the senatorial convention, and Jack Calihan received the nomination?—A. Yes; he received it by acclamation.

(Testimony read to the witness.)

PATRICK CURLEY.

Sworn and subscribed before me this 28th day of February, 1877.

C. LITTLE, *Notary Public.*

CHARLES DOUGHERTY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. I live in Rappahannock.

Q. And voted there?—A. Yes, sir.

Q. That is in East Butler Township?—A. Yes, sir.

Q. Do you know Martin Monaghan?—A. Yes, sir.

Q. Tell us whether or not you were ever invited to his house before the late fall election?—A. Yes; I was at Martin Monaghan's.

Q. Who was there?—A. I was there for one, and Martin Monaghan, and Jack Irwin, and Pat Mullowney; and that is all I know that I remarked; I did not pass much remarks upon any one that was there.

Q. Was not Tom Heffron there?—A. Yes; he was.

Q. How many were there?—A. I could not tell how many were there. There were people there that I did not know.

Q. About how many were there?—A. I could not tell you.

Q. Give us your judgment.—A. I could not tell you how many.

Q. Were there five?—A. There were five.

Q. Were there fifteen?—A. No, sir; I could not tell you.

Q. How did you come to go there?—A. I often was there before.

Q. This time?—A. I happened to come there, and Martin Monaghan told me to come there.

Q. Where was he when he told you to come there?—A. I met him on the Rappahannock where I lived.

Q What did he tell you to come there for?—A. I do not know; he did not tell me anything what to come there for; and I did not know where I was going, only that I was going to Martin's; but what I was going there for I did not know it.

Q. Was it he himself that told you to come there?—A. Yes, sir.

Q. Was it at your house?—A. Yes, sir.

Q. When you got there did he tell you what you came there for?—A. No, sir; I did not understand anything from him there, neither.

Q. What was going on; had you dinner there?—A. No, sir; I got no dinner there. I forget my dinner, if I took it.

Q. Was not there dinner while you were there?—A. Yes, sir.

Q. About how many were at that dinner?—A. I could not tell you how many were at the dinner. I was sitting there in a room by myself, and I did not mind how many were at dinner.

Q. What did Martin tell you that you were wanted for after you were there?—A. He did not tell me about anything at all.

Q. Did he not speak to you there?—A. Yes, he had a welcome for me.

Q. What else?—A. He did not tell me about anything while I was there.

Q. Did he tell the others while you were there?—A. He was talking to them.

Q. Could you hear him?—A. I did, but I did not pass any remarks upon him.

Q. Did you hear him?—A. I was listening to him talking.

Q. Did he say anything about the fall election?—A. He was talking about the election.

Q. Did he ask you about the election?—A. No, sir; not that day.

Q. At any other day?—A. No, sir.

Q. Was anything said by Martin about parties standing at the polls, or working for the Republican party?—A. No, sir; I did not hear anything about it.

Q. Did not Martin Monaghan there say that there was a certain sum of money to be sent to that township and other places?—A. He did not say anything about it in my presence.

Q. Did you hear him say it?—A. No, sir.

Q. Tell us what took place there.—A. I could not tell you only what I seen. I seen them men there, and I did not hear them talking about fellows standing at the polls, or about anything; but they were talking, and I did not pass any remarks.

Q. What were they talking about?—A. About election.

Q. What was said about election?—A. I could not tell you about the election.

Q. Tell us what you heard said about election; we know what was said, but we want you to tell it.—A. I cannot tell you anything about the election that they were talking; I did not see any difficulty at all.

Q. Tell us whether Martin Monaghan did not talk about a certain number of votes to be got in your district.—A. He did not tell me.

Q. Did he tell anybody?—A. I do not know; I was not listening.

Q. You were not listening?—A. No, sir; he never spoke any number of votes in any township in my presence.

Q. Did not talk about money?—A. He did not talk anything about money in my presence.

Q. Did he not show you a list?—A. He did not.

Q. There?—A. No, sir.

Q. And the amount of money that was to be sent?—A. No, sir; not in my presence.

Q. What was your understanding that you were taken there for?—A. I did not understand anything about being taken there, and when I came there what I was there for.

Q. Did you ask Martin what you were there for?—A. No, sir; I never asked any man at all about it.

Q. You did not?—A. No, sir.

Q. Do you know what you were taken there for?—A. I did not.

Q. Do you know now?—A. I don't know it now, neither.

Q. Tell us whether or not you received any money that day or at any other time for work in your township?—A. No, sir; I did not; I did not.

Q. You did not?—A. No, sir.

Q. Have you not said that you did?—A. I said I did; and if I said I did not get it, I would not be believed.

Q. How much did you say you got?—A. I said I got ten dollars, and I said sometimes I got fifteen; and I said I got more.

Q. Did you not say on the day of election that you had got money?—A. Yes, sir.

Q. How much did you say then that you got?—A. I said on the day of election that I got ten dollars.

Q. Did you not say that you got it from Martin Monaghan?—A. No, sir.

Q. From whom did you say you got it?—A. I did not say I got it from anybody at all.

Q. Do you say that what you said then was not true; that you did not get any money?—A. I am after taking my oath that I did not.

Q. Was that true, or was it a lie that you said?—A. It was a lie. I did not get any money.

Q. Did you not, at the election in East Butler Township, spend money around the polls which you said was Republican money?—A. No, sir; but I got plenty of drink.

Q. Did you not invite Mike Nolan to take a drink, and say that you had plenty of money from the Republicans?—A. So we did, and never paid for it since. I said I got it; but I did not spend a cent of it.

Q. Did you not tell him, when you invited him to drink, that you had plenty of Republican money?—A. No, sir, I did not. I told him I had ten dollars, and I went and got a drink, and got drunk that day, and did not pay a cent on it.

Q. Then it was not true what you told him?—A. No, sir; it was not true what I told him.

Q. Do you know of any other parties in that district getting money? Do you?—A. No, sir, I do not know anything about it.

Q. Who did you come in with this morning?—A. I came here with the company that was down, with Charley Dougherty, and Jack Irwin, and Pat Mullowney, and Bryan Monaghan.

Q. Were you offered money by any other party?—A. No, sir.

Q. Were you at Martin Monaghan's at any other time during the campaign?—A. No, sir; I was not there.

Q. Was Martin at your house at any other time during the campaign?—A. No, sir.

Q. Or any of his friends?—A. No, sir.

Q. When were you subpœnaed?—A. On Monday.

Q. When was it served on you?—A. I have forgotten; I think Friday or Saturday; I am not sure now.

Q. Did you see Bryan Monaghan since that time until this morning?—A. Yes, on Sunday.

Q. Where?—A. In his own house, on Sunday.

Q. Were you at his own house on Sunday?—A. Yes, sir.

Q. He is a brother of Martin Monaghan?—A. Yes, that is what they say.

Q. Did you tell him you were subpœnaed?—A. I did; he asked me.

Q. Was there any talk about this case?—A. About this contest?

Q. Yes.—A. There was, and that we would come here such a day.

Q. Did you ask why you were subpœnaed?—A. I did not ask at all why I was subpœnaed.

Q. Did you see Martin Monaghan since you were here?—A. I saw him on the street.

Q. Did you have any talk with him?—A. No, sir.

Q. Bryan was along this morning?—A. Yes, sir.

Q. And the other parties were those who were at Monaghan's that day?—A. Yes, two of them were; Patrick Mullowney and Jack Irwin.

Q. Did they come with you to Martin Monaghan's?—A. That day?

Q. Yes.—A. No, sir.

Q. You came alone and went alone?—A. Yes, sir.

Q. Did you leave them there after you went away?—A. No, sir; they were gone before me.

Q. Were all the parties gone before you?—A. There was nobody left there alone with him but myself and Anthony Gaughan.

Q. Did you and Anthony Gaughan have any conversation with Martin Monaghan after the others had left?—A. No, sir.

Q. He was in the house?—A. Not when I left.

Q. Was he there after the others left?—A. I do not know, indeed. I could not tell you.

Q. Did you speak to him after that at all?—A. No, sir.

Q. Had you a drink there that day?—A. I had.

Q. How many?—A. I could not tell. I could not tell all the drinks I had since Christmas.

Q. At Martin Monaghan's?—A. I often take a drink at Martin Monaghan's.

Q. But I am asking you about that night?—A. I could not tell.

Q. Had you more than one?—A. I had two, perhaps, for all I know.

Q. Had you? That is what I ask you.—A. I had one drink.

Q. Was that all you had?—A. That is all I had.

Q. Were you tight that day?—A. No, sir.

Q. You were not at the dinner-table, then?—A. No, sir.

Q. But you were in the house during the time they were taking it?—A. Yes; I was sitting at the stove smoking my pipe.

Q. In the same room as the dinner-table?—A. No, sir.

Q. Who did you say you got this money from when you told parties you had got money?—A. I said a certain man gave it to me.

Q. Where did you say you got it?—A. I did not say where I got it from.

Q. Did you say whose money it was?—A. I said I got that money, and then they knew what money, I guess. I said I got $10, and I told Nolan to have a drink, and we had, and got more than one; and I was drunk that day and the night before.

Q. Had you any money during this time?—A. No, sir, not a cent; and I did not pay for any whisky that day, either.

Q. Was the bottle passed around very freely at Martin Monaghan's?—A. No, sir; I did not see it passed around very freely.

Q. Was it passed around at all?—A. I got a glass myself.

Q. Only one?—A. Only one.

(Mr. Smith, on behalf of contestant, objected to the foregoing testimony and questions as leading, irrelevant, and impertinent, and that it is not evidence.)

Cross-examination (reserving all exceptions as noted in the cross-examination of previous witnesses) by Mr. Smith:

Q. How long have you known Martin Monaghan?—A. I know him this sixteen years.

Q. That was the first time you were at his house?—A. No, sir.

Q. You have been often down at his house?—A. I dealt with him six years or more, and he is a friend of mine.

Q. And you understood when he invited you to come to his house that he invited you to come as a friend?—A. Yes; I did not know anything else from him.

Redirect examination by Mr. Nash:

Q. How long before that were you at his house?—A. Not very long.

Q. How long?—A. I could not tell you how long.

Q. Was it six months?—A. I have no idea of the date of it.

Q. How long was it before that he invited you to his house?—A. I could not tell you.

Q. Did he ever come out to your house before he invited you to his house?—A. Yes, sir.

Q. How long before?—A. I could not tell you how long.

Q. Did he within that year?—A. I could not tell you.

Q. Did he within two years before?—A. I could not tell.

Q. Did he within three years before?—A. I could not tell.

Q. Did he ever before come out to your house and invite you to his house?—A. Yes, sir.

Q. How long before?—A. I could not tell you how long ago it was that he invited me to his house. I do not know how long ago.

his
CHARLES + DOUGHERTY.
mark.

Sworn and subscribed before me this 20th day of February, 1877.

C. LITTLE,
Notary Public.

PATRICK DOUGHERTY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Do you live in East Butler?—Answer. Yes, sir.

Q. And voted at the last election?—A. Yes, sir.

Q. Do you know of the use of any money during the late campaign on behalf of the Republican ticket?—A. No; I don't.

Q. Or other corrupt means?—A. No, sir.

Q. Where do you live at the Rappahannock?—A. At Conner's Patch.

Q. Do you know Martin Monaghan?—A. Yes; but I am not much acquainted with him.

Q. And Edward Monaghan?—A. No, sir.

Q. Or Bryan Monaghan?—A. Yes, sir.

Q. Or Mike Monaghan?—A. No, sir.

Q. Did you ever meet Mike Monaghan during the late campaign?—A. I never met him before election.

Q. Do you know of the use of any money during the late campaign?—A. No, sir.

Q. Was there any money offered to you by either party?—A. No, sir; there was not, by either party.

Q. With whom did you come in here this morning?—A. When I came from home, Terence Scanlon was along.

Q. Was Bryan Monaghan along?—A. Yes; he came a part of the way on the road.

Q. Did you talk about this case coming in?—A. No; we did not talk about it.

Q. You were not at Martin Monaghan's house during the late campaign?—A. No, sir.

(No cross-examination.)

Mr. Nash (continuing direct examination):

Q. With whom did you board?—A. At Terence Scanlon's.

Q. Did you know of any money being given to Terence Scanlon?—A. I do not know anything about it.

Q. From him, or whether you heard from anybody else?

(Mr. Smith, on behalf of contestant, objected.)

A. I never heard anything about it.

(No cross-examination.)

PATRICK DOUGHERTY.

Sworn and subscribed before me this 26th day of February, 1877.

C. LITTLE,
Notary Public.

TERENCE SCANLON, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. Up in Conner's Patch.

Q. Did you vote at the last election?—A. Yes; I voted at the last election.

Q. Tell us whether or not you were approached at the last election by anybody on behalf of the Republican party.

(Mr. Smith, on behalf of contestant, objected.)

A. No, sir.

Q. Tell us whether or not any person made any offer of money to you, or anything.—A. No, sir; there was no man offered money to me, or anything else.

Q. Not anything else?—A. No, sir; and any man that said so, let him tell me so to my face, or talk about money with me either.

Q. Were you at the polls on that day—election-day?—A. Yes; I was.

Q. Tell us whether you were offered money by any person.—A. No, sir; I was offered money by no person.

Q. Were you given money by any person?—A. I don't know anything about it.

Q. By the Republican party?—A. No, sir; I don't know anything about money, myself, at all, for I did not receive no money from either side.

Q. Did you not tell persons that you got money?—A. No, sir; let any man that says that come again' me.

(No cross examination.)

his
TERRENCE + SCANLON.
mark.

Sworn and subscribed before me this 28th day of February, 1877.

C. LITTLE, *Notary Public.*

ANTHONY GAUGHAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Nash, on behalf of incumbent, admits that the witness is the man who was subpœnaed under the name of Anthony T. Gaughan, and in the notice to the opposite party.)

Question. Where do you live?—Answer. In East Butler.

Q. Do you know Martin Monaghan?—A. I know a man that lives in this town by that name.

Q. Did you ever meet him during the last fall campaign? and state where you met him, if you did meet him.—A. I met him several times before the last November election. The first time was within three months before the election. He came to my house and told me that I could make myself a little better by working for the Republican party.

Q. That you could make yourself a little better off working for the Republican party?—A. Yes; that I could gain a little by it.

Q. In what way, did he say?—A. By working for the Republican party that I could gain a couple of months' board on it.

Q. What did you say?—A. I told him all right; and he told me that I should write to him in a week's time and let him know how times would stand, which I did.

Q. What took place afterwards between you?—A. And he wrote me back a note; I have not got the note by me; I think it was taken from me; I think the woman picked it up; I think it was dated Saturday, September 30, and he told me he would see me the week afterwards in the note.

Q. Did you see him the week afterwards?—A. I did not see him the week afterwards, but the week after that I chanced to see him in town here, and he told me to keep on and work away as hard as I could, and that he would see me after that again; and so times passed on until the election, and I had no money from him, and he was coming and going to my house and I had no money from the election.

Q. Did he tell you when the money was to be paid?—A. He told me that he would pay me before the election-day, but I did not receive it.

Q. What excuse did he make for not paying you?—A. He told me that Paddy Dougherty of Holmesville had to pay this money, and that he would pay it to me on Saturday before election, and that he would pay it on the sixth; that he was appointed to pay this money. It was in my presence that he said that Patrick Dougherty of Holmesville would pay this money.

Q. Was that the Patrick Dougherty that just went out?—A. I do not know; it was the Patrick Dougherty that lives at Holmesville, and I don't know any other Patrick Dougherty in Holmesville but him.

Q. Did you ever meet Martin Monaghan at his house?—A. Yes, sir.

Q. Who else was there?—A. There was a party, between six and nine; I could name some of them.

Q. Name some of them.—A. Thomas Heffron was there and Thomas Tallett; Patrick Mullowney was there, and John Irwin was there, and Michael McDonnell came there, and Charles Dougherty was there.

Q. That is the man that was just going out?—A. That is the man; yes, sir.

Q. With whom did he come there?—A. I cannot say with whom he came there. I was down town here and the young lad told me to go up to the house and the party was there before me.

Q. Young Ned Monaghan told you to go up?—A. Yes, sir.

Q. Did he tell you what for?—A. No, sir; he did not.

Q. Did he go back to the house with you?—A. No, sir; he went into the hotel on the other side.

Q. You went up to the house?—A. Yes, sir.

Q. What was done then, or said by Martin Monaghan?—A. I came in and got some tobacco and lit my pipe, and the girl took in some whisky and treated the men that was drinking, and in a short time afterward him and Mr. Leib came in.

Q. The postmaster of Ashland?—A. Yes, sir.

Q. Levi C. Leib?—A. Yes, sir; and all I can say in regard to the election, Martin Monaghan said that the Republican party was the best to get into office, and said that we had the doing of it; he meant we had the doing of it.

Q. You were at the dinner?—A. No, sir; not on that day.

Q. Did he say how you folks were to be taken care of?—A. That is all the manner of remarks I passed, that he said the Republican party would be the best to get into office, and that he would see us the following week.

Q. Did he say what he was to see you for?—A. No, sir; we understood that we were to get some money; that was the meaning I took out of the man, whether the others did or not.

Q. Did he tell you how much money?—A. No, sir; he did not that day.

Q. Did you meet him at the house afterward?—A. Yes, sir.

Q. Whose invitation was it?—A. There was only one man along with me, and he called him and me in.

Q. What did he tell you?—A. He told me to keep on and do the best I could, and that he would see me in a few days afterward.

Q. Did you know what he meant?—A. That he would pay me money a few days afterward.

Q. How much money?—A. He did not name any sum.

Q. Who was the other party?—A. He was Anthony McLaughlin.

He lives in West Mahanoy Township. We had been at church, and he called us into the house. This man was a stranger to me.

Q. Did you see him after that?—A. Yes; on the 5th, before election.

Q. Where?—A. In his own house.

Q. Who else was there then?—A. Me and Thomas Heffron; that is all.

Q. What was said there then?—A. As I said before, they had appointed a party to pay the money on the following day.

Q. Did he tell you how much you were to get?—A. No, sir; he did not.

Q. And Dougherty was to pay out the money?—A. Dougherty was appointed to pay out this money on Monday, before election; this was on Sunday.

Q. Did he say how much he was to get?—A. No, sir; he did not name any certain sum.

Q. Did he tell you that you were to get a part of this money?—A. Yes; he told me personally.

Q. How much did he say you were to get?—A. He said, when he first came to my house, I would get as much as would pay my board for a few months, but he never mentioned any sum of money after that.

Q. Are you a single or married man?—A. A married man.

Q. Did you see Martin Monaghan or Bryan since you were subpœnaed?—A. No, sir; I seen them when I was going across on the other side of the street, but not to talk to them.

Q. Did you see them after election?—A. Yes; when I was subpœnaed in the James-McKibbin contest in this house. All that was said was that Patrick Dougherty excused himself that Martin Monaghan gave him no money to pay me. Patrick wanted to free himself, and said that Monaghan gave no money to Dougherty to pay me; that was the talk that we had.

Q. Did he say anything about testifying in this case?—A. No, sir.

Cross-examination (reserving all exceptions as noted in cross-examination of previous witnesses) by Mr. Smith:

Q. How long have you known Mr. Monaghan?—A. I am acquainted with him for the last five years.

Q. When did you learn to know him first?—A. I came to know him first in his own store in Girardville.

Q. He used to have a store there?—A. Yes, sir.

Q. You dealt with him?—A. No, sir, not a great deal; not much. I dealt with the man.

Q. But you did deal with him?—A. Yes; a little.

Q. What arrangement did you make with him that you were to do; what were you to do for the money he promised you?—A. To electioneer for the Republican party; that was what he wanted me to do.

Q. Did you electioneer for the Republican party?—A. Well, in some places I had the care of their cause in the first going off, but when I seen I was going to get no money I dropped them.

Q. Give us the names of those parties you spoke to to vote the Republican ticket?—A. It would take about two days to set it down; among the whole community. I advocated it in the presence of men that lives in my own neighborhood.

Q. When did you have the first interview with Monaghan?—A. I cannot tell you the date of that but it was about the middle of September.

Q. You saw him first then?—A. Yes; about the middle; from the 10th to the 20th; I cannot give the day.

Q. Where did you see him first?—A. He came to my house.

Q. Did you talk about any candidates?—A. Yes; he mentioned the candidates' names.

Q. Who did he mention?—A. He said Mr. Nutting and Mr. Torbert, and Mr. James would be the best three men for the senate, legislative, and Congress.

Q. He talked that to you?—A. Yes. He told me that Mr. Hayes and Wheeler would be better members for the Presidential chair than Tilden and Hendricks.

Q. You agreed with him, did you not?—A. Yes, I agreed. I expected to get the money from him.

Q. You had no bargain—how much?—A. No, sir. Well, the night he came to my house he said I would get as much as would get me boarding for a couple of months.

Q. Were you keeping house?—A. Yes, sir.

Q. You only guess that?—A. Yes. I guess it would take fifty dollars to board me for two months, at the lowest calculation.

Q. Did he ask you that you should sell your vote?—A. No, sir; he did not ask that, but he meant me to sell it if I got the chance.

Q. Were you paid for anything?—A. For advocating their cause.

Q. Were you paid by anybody to talk to people?—A. To go around and make all I could for the Republican party.

Q. To buy votes?—A. To buy them or get them however I could; that was the meaning.

Q. What did Mr. Monaghan say to you? I do not want what he meant, but what he said to you, that you should go around and buy votes, or get them any way you could.—A. Well, sir, he did not say "buy," but he said I could get a good many of my friends to go this ticket.

Q What countryman are you?—A. I was born in Ireland.

Q. When he said these were the best men, did you not think so too?—A. No, sir; I did not. My principles was for the Democratic party, but I wanted the money.

Q. Were you willing to sell yourself?—A. No, sir; I was not willing to sell myself, but I was willing to make the most money I could.

Q. Did he tell you that if you went around electioneering, to ask your friends to vote that ticket, that it was the best ticket?—A. Yes, sir.

Q. And he told you that you would be paid for your time and trouble?—A. He told me I would get as much as would pay my board for a couple of months.

Q. For your time and trouble?—A. Yes, sir.

Q. Tell us to whom you went to ask them to vote the Republican ticket?—A. I asked nobody to vote the Republican ticket.

Q. Then you wanted the money down first before you would go to ask anybody?—A. Before the election I wanted the money.

Q. You wanted the money, also, before you went to ask anybody?—A. I wanted the money before the election.

Q. Do you understand my question?—A. Yes, sir.

Q. Did you want the money before you asked anybody to vote the Republican ticket?—A. I asked nobody to vote the Republican ticket, but I advocated Republicanism.

Q. How did you advocate it?—A. I told several of my friends that it would be a good party, and told them, moreover, that I would get this money.

Q. You told them that it was as good a party as the Democratic party?—A. Yes; I told them that.

Q. And you told them you were going to vote it?—A. No, sir; I didn't tell them I was going to vote it.

Q. Did you tell them if they voted that they would get that much money?—A. No, sir; I did not.

Q. You did call on Mr. Monaghan for the money?—A. Yes, sir.

Q. Tell us what day you called on him.—A. Yes; on the 5th; the Sunday before the election.

Q. Tell us why you called on him for the money, when you had not asked anybody to vote the Republican ticket, and had not made up your mind yourself to vote it.—A. I had advocated the cause; there was no chance to ask anybody to go the ticket, and I thought, as the man had made the promise, he would give me the money.

Q. Then you were to have this money for advocating the cause?—A. Yes, sir.

Q. You were not to ask anybody to vote, or vote yourself, but only to advocate the cause?—A. I advocated the cause, and I thought I would get the money before election.

Q. Your arrangement was that you were to advocate the cause, and for advocating the cause you were to have this money?—A. Yes, sir; I believe he understood I was to do that, providing I got the money; but I got no money.

Q. Did you ever call on Dougherty for the money?—A. No, sir; never in my life.

Q. You know Dougherty?—A. Yes; I know him well.

Q. Why did you not call on Monday on Dougherty?—A. I thought it might be an insult to the man, and it was only to Monaghan. Then, the day before the election I saw he was going to give no money. I told all my own friends in the valley how I was treated, and how Monaghan thought to get the party in blindfolded, and that they should watch themselves on the election-day.

Q. You told them that Monaghan was a fraud; that there was nothing in his promises at all?—A. I told them that he had promised me things and he did not fulfill them, and the men were to beware of it.

Q. And that is the reason why you did not call on Dougherty; that you had made up your mind that the whole thing was a sham?—A Yes; and that I might insult Dougherty by asking him for money that he had no title to give me.

Q. You thought that Monaghan had deceived you all through?—A. Yes; I thought he had deceived me all through.

Q. Tell us whether you did not call upon Monaghan on the Sunday before election?—A. Yes; me and Thomas Heffron called upon him.

Q. And insisted upon his giving you one hundred (100) dollars?—A. No, sir; but I thought I would get (50) fifty from him.

Q. Did you not ask him for one hundred (100) dollars?—A. No, sir.

Q. Do you swear that now?—A. Yes, sir.

Q. Who was present?—A. Thomas Heffron.

Q. How much are you in Mr. Monaghan's debt?—A. I believe I am between eight (8) and ten (10) dollars. I cannot say. It may be less or more.

Q. In the store?—A. For cloth goods bought out of the wagon, that my woman bought.

Q. Did you not telegraph him to come out and meet you; that if he did not, you would do so and so?—A. No, sir; never in my life.

Q. Never telegraphed to him?—A. No, sir; but I telegraphed to Captain Leib.

Q. What did you telegraph to Captain Leib?—A. The day before

election I was talking to Mr. James, and from that we went into Leib's, and I told them if I had no money again' four o'clock I would drop them a note, and I dispatched that Monaghan was in town and I got no money.

Q. That he was in Girardville?—A. Yes, and that I got no money; that he was in Girardville, and I got no money.

Q. What reply did you get to that?—A. I got no reply.

Q. Were you not, ever since the middle of September, traveling between Monaghan's house and your house trying to get up an arrangement by which you could get some money?—A. The first day I came to this house his son told me to go up to the house, and this party was before me as I stated; and the second day I was up at his house, me and McLaughlin, Mr. Monaghan called us in, and the three of us had dinner and a drink of whisky apiece; and the third day I came to his house was on the fifth before election; so that made three times in his house when I only intended to go one—one time he sent for me directly; one time he called me in, and the third I went to his house of my own accord.

Q. When did he come to your house?—A. He came into my own house in East Butler.

Q. Who came along with him?—A. No man was along; my father-in-law was in, Henry Mills, and he was by when he promised me that I would get as much as would board me for a couple of months.

Q. And then you negotiated with him?—A. I kept going here and there to see if I could raise this money among the neighbors around.

Q. With whom had you come to town when you met Ned Monaghan?—A There was no man but myself; I wanted to see Mr. L'Velle.

Q. Who went up to Monaghan's house with you?—A. Myself alone.

Q. Who did you meet there at that time?—A. The party I said.

Q. Tallett and Heffron and that party?—A. Yes, sir.

Q. When had you met them that day before?—A. I did not meet them before I met them in Monaghan's house.

Q. You knew them all?—A. Yes; they all lived in my neighborhood.

Q. You had talked this matter over with them?—A. No, sir; not before that.

Q. Not before that Sunday?—A. No, sir.

Q. Did you after that?—A. No, sir; they were as wise as I was then, after we came out; all of them.

Q. They said nothing to you?—A. No, sir.

Q. And you said nothing to them?—A. No, sir; we were all as wise as one another when we came out of Monaghan's.

Q. What do you mean?—A. That they all knew what his idea was when they came out as well as I did.

Q. You made up your mind that you would get all the money you could?—A. Myself personally.

Q. You did not know what the others did?—A. No, sir; I did not know anything about the other party.

Q. Why did you telegraph to Captain Leib?—A. To let him know I got no money, and I was not going to work for them.

Q. You had no arrangement with Captain Leib about any money?—A. No, sir; the man never talked to me about money, but I thought he would tell James that I was not going to work for him.

Q. Then you were especially to work for James?—A. That was the idea, that I would work for James as well as the rest.

Q. You did work for Calihan and that ticket?—A. I voted the whole ticket.

Q. You did work for it, too?—A. No; I did not electioneer; I only voted the ticket.

Q. You told the people to look out?—A. That was the way it lay, and I voted the Democratic ticket myself. I did not electioneer.

Q. You were always a Democrat?—A. I always voted the Democratic ticket since I voted any ticket.

Q. You never intended to vote anything else?—A. My purpose was to vote it; I never voted any but the Democratic, with the exception of L'Velle. He was a townsman of mine at home, and I could not go back on him.

Q. You never voted anything but the Democratic ticket unless it was for a friend?—A. No; that is all.

Q. You were in principle a Democrat, and you would vote as you pleased, and make all the money you could?—A. My principle was to make all the money I could and vote as I pleased.

Q. Who told you to do that; to make all the money you could and do as you pleased?—A. Nobody ever told me, because I did not make the case mentioned to anybody. It was my own feelings made me.

Q. You never heard that mentioned that you should do that?—A. I might have heard it, but I did not pass any remarks. I thought I would make it for myself.

Q. You thought it would be a pretty smart thing to do?--A. Yes, sir.

Q. With whom did you talk about this since the election?—A. Indeed I could not say.

Q. When were you subpœnaed?—A. On the 9th of February, I suppose, between Mr. James and——

Q. In this case?—A. Last week.

Q. On Friday or Saturday?—A. I could not say.

Q. Who subpœnaed you?—A. Anthony Lally.

Q. What did you tell him?—A. I told the man to come in, and he came in and gave me the subpœna and walked out again.

Q. You did not tell him what you would swear to here?—A. No, sir; it was not my business.

Q. Had Mr. Lally seen you before on this subject?—A. No, sir; not in regard to the election.

Q. In regard to what Monaghan has offered you?—A. No, sir; never in my life.

Q. Had Mr. Minogue, the lawyer here?—A. Well, yes; I told him in Ashland, the day before the election, that Monaghan thought to lead the party the wrong road.

Q. And that he had offered you money?—A. No, sir; I did not tell him that, I think.

Q. Did you talk to Mr. Nash on the subject?—A. No, sir. I seen him twice in court in Pottsville; that is all. I did not talk to him. I was never acquainted with Mr. Nash.

Redirect examination by Mr. Nash:

Q. But when Martin Monaghan was offering you this money you understood it was to apply to your own vote as well as others?—A. Yes; I understood that unless I did I could not have it.

Q. You said something about James in Girardville. Was there anything said about money in that conversation?—A. I talked to Mr. James before election, and the way I understood the man was that I would have this money on Monday before election, or at four o'clock I would let him know, and I dispatched.

Q. With whom was that understanding?—A. With Mr. J. H. James.

Q. Did he say anything about this money?—A. He did not tell me

that he would give me money or not, but unless I had the money to let him know; that is what he told me.

Mr. Minogue (continuing redirect examination):

Q. Was not Mr. Leib in Monaghan's at the time you were there?—A. Yes; and Monaghan made me acquainted over at the side of the street before that.

Q. Leib was present while these arrangements were going on?—A. Well, Mr. Leib was a short time in Monaghan's; and about the conversation there I did not pass any remarks. There was some conversation there.

Recross-examination by Mr. Smith:

Q. You say that Monaghan offered you money; did he offer you any money or pull out any money and offer it to you?—A. No, sir; he never showed me the color of money.

Redirect examination by Mr. Nash:

Q. But it was because he promised you money that you worked for the Republican party?—A. That was the reason I advocated their cause.

Q. Did not J. Harry James say to you if your house was sold he would have it purchased in for fifty dollars?

(Mr. Smith, on behalf of contestant, objected that what Mr. James said has no relevancy in this case whatever.)

A. No; neither me or Harry James did not talk about the house, but he said if I would work that he would act the friend.

Q. Did he say anything about money?—A. He told me that Monaghan had all to do about the money.

Mr. Minogue (continuing direct examination):

Q. You were talking to your friends for several months for the Republican party?—A. I advocated their cause; it was between the 10th, 15th, or 20th of September when he first came to my house.

ANTHONY GAUGHAN.

Sworn and subscribed before me this 28th day of February, 1877.

C. LITTLE,
Notary Public.

Examination adjourned to 2 p. m.

AFTERNOON SESSION.

Examination resumed at 2 p. m.

ANTHONY CAREY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live and vote?—Answer. In East Butler.

Q. Tell us whether you know Martin Monaghan?—A. Yes, I am acquainted with the gentleman.

Q. Tell us whether or not you met him at any time during the last campaign, and whether he made any offers to you?—A. I met him often during the last campaign, before the November election.

Q. At any time when you met him before the November election, tell us whether he made any offers for your vote or influence in behalf of the Republican party?

(Mr. Smith, on behalf of contestant, objected.)

A. He was about there very often, and told us if we would stick to what he wanted us to do that he would see us satisfied.

Q. What did he want you to do?—A. I asked him what he meant by being satisfied, and I could not make any meaning out of his talk, and he pulled a book out of his pocket and wrote down and read off, "Nutting, Torbert, and James;" and "nine or ten days from now," he says, "I will be out here and I will have some money along, and I will see you satisfied."

Q. Tell us whether you saw him subsequently to that, and whether he tendered you any money or not?—A. Well, now, I was one day in here, but I do not know what day of the month it was, and there was a circus, and I met him, and we had a talk over the election; and we went up so far as the circus-ground, and we said we had no money to go to the circus, I and another man, and he told us that he would give us $5 for the expenses of the circus, and took us up to his own house and gave us $5 apiece.

Q. Had he been talking politics on that day?—A. Yes, sir.

Q. What did he desire you to do?—A. He did not desire me to do anything more than any other day, only to stick together and do what he wanted, and he would see it all right.

Q. Do you know what he wanted you to do? What did you understand?—A. He gave it on a piece of paper, to vote for Nutting, Torbert, and James.

(Mr. Smith, on behalf of contestant, objected that the paper is the best evidence.)

Q. Do you know of his offering money to any other person?—A. I did not hear of the man offering any to anybody else.

Q. Do you know a man named Barrett?—A. I know two or three Barretts.

Q. Do you know of his offering any money to either of the Barretts?

(Mr. Smith, on behalf of contestant, objected.)

A. I heard it, but then I do not know.

Q. From whom did you hear it?

(Mr. Smith, on behalf of contestant, objected.)

A. From the man it was offered to.

Q. What is his name?—A. John Barrett.

Q. Who was it that offered the money to him?—A. Martin Monaghan.

Q. Who was the other party who received the five dollars?—A. William Heffron.

Q. Did he name any particular sum he was to give you?—A. No, sir.

Q. For doing what he wanted you to do?—A. No, sir; he did not.

Q. When he said he would have the money out with him?—A. No, sir.

Q. Did you get any other money besides this five dollars?—A. No, sir.

Cross-examination (reserving all exceptions as noted in cross-examination of previous witnesses) by Mr. Smith:

Q. Were you the man who was tax-collector out there?—A. Yes, sir.

Q. Last year?—A. No, sir; in 1874.

Q. How long have you known Martin Monaghan?—A. I have known him since I remember any one at all.

Q. You and he have been personal friends for years?—A. There was never any disunion between us.

Q. You visited each other and talked with each other?—A. Sometimes.

Q. There was a good deal of contest in regard to the State senator and in regard to the legislature in these districts a good deal of electioneering in regard to both offices?—A. I suppose there was.

Q. There was a good deal of excitement between Torbert and Calihan?—A. I believe there was, too.

Q. Mr. Monaghan was especially opposed to Calihan, was he not, and tried to get all his friends to vote against him that he could?—A. I do not remember him to have mentioned any man's name in particular, but all I heard was just what I told you.

Q. Tell us exactly how it transpired, and just what he asked you?—A. That is just what he asked me, to stick together and do what he wanted us to do, and he would see us satisfied; and I asked him what he meant, and he said that over a dozen times, and I said, "What do you mean; I cannot pick any meaning out of your talk?" and he said, "I will let you know," and he wrote out on a piece of paper, "Torbert, Nutting, and James," and said, "These are the men I want you to work for."

Q. How were you to work for them?—A. I suppose that is understood, that we were to electioneer for them.

Q. To ask your friends to vote for them?—A. I suppose so, although he did not say so openly to me.

Q. He gave you to understand that he was working for the whole Republican ticket?—A. Yes, sir.

Q. But those were the men especially he wanted, that he worked for and wanted elected?—A. I suppose so.

Q. What he meant or what you understood him to mean was that you would be paid for your day's wages or day's work for your trouble to ask parties to vote?—A. He did not say anything about that; only that he would satisfy us.

Q. But you were to see friends and get them to vote that ticket?—A. I suppose that was the meaning, but I cannot say.

Q. He did not propose to buy you, or that you should buy anybody?—A. No, sir; not to me.

Q. How long after he first spoke to you did he give you this five dollars?—A. Indeed I could not tell you.

Q. As near as you can?—A. He was out there maybe, four weeks.

Q. After you first spoke to him?—A. Maybe; I do not know exactly.

Q. How long before election did he give you the five dollars?—A. That I could not tell you neither.

Q. There was no bribery or corruption about it?—A. I do not know what he meant by it.

Q. You did not consider that you were bribed or corrupted, but you just considered that you were getting pay for legitimate work; that is, to give your time and attention to asking people to vote?—A. When he gave me the five dollars he did not say anything about it, but during the day before that he was talking about it and that he would see us all right and pay for our trouble if we would get men and electioneer for the party he wanted us to vote for.

Q. Where is John Barrett?—A. He lives in East Butler.

Q. Near where you live?—A. He boards within two or three hundred yards of my own house.

Q. You knew him?—A. Yes.

Q. Where did you see him last?—A. I see him every day in the week; I saw him to-day.

Q. You knew nothing of him but what he told you himself?—A. No, sir.

Q. Monaghan did not tell you anything about Barrett?—A. No, sir.

Redirect examination by Mr. Nash:

Q. Did you not understand your own vote—that he wanted you to

vote yourself for these parties?—A. That is what I understood when he gave me the paper—that he wanted me to get the whole of them to vote for them.

Recross-examination by Mr. Smith:

Q. Did you agree to vote for them?—A. No, sir.

Q. Did you vote for them?—A. No, sir; I told him I would not do such a thing.

Redirect examination by Mr. Minogue:

Q. Did you attend any of the meetings at his house?—A. No, sir.

ANTHONY CAREY.

Sworn and subscribed before me this 28th day of February, 1877.

C. LITTLE,
Notary Public.

DENNIS CURLEY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In the borough of Girardville, or in the Rappahannock, they call it, next door to the last witness.

Q. Do you know Martin Monaghan and J. Harry James?—A. I know Martin Monaghan.

Q. Do you know Mr. James, who was the candidate upon the Republican ticket?—A. No, sir.

Q. Do you know a man named Charles Dougherty?—A. Yes; I know several Charles Doughertys.

Q. Or Patrick Dougherty?—A. Yes, I know Patrick Dougherty.

Q. Tell us whether during the last fall campaign you received any money for your influence and vote?—A. Well, I did get a little money.

Q. From whom?—A. I will just tell you the way it was——

Q. From whom?—A. It was from Dougherty that left it at my house.

Q. What Dougherty?—A. This Patrick Dougherty from Holmesville I think you have reference to. The morning of the election I was in bed, and I heard this man talking to my mother down in the room, and I came down there and he had given her some money, and gave her ten dollars, I think; five dollars for me and five dollars for my brother.

Q. Which brother?—A. Patrick. He left the money there for him. I was listening to this myself, and my mother did not tell me. I came down while he was talking to my mother; and he gave me this money to stand at the poll and use my influence at the poll for his party.

Q. Did he tell you whose party to work for?—A. He told me to do all I could against big Jack Calihan for one man.

Q. Anybody else?—A. No, sir; he did not.

Q. Did he tell you where he got this money?—A. He told me that this was his own money, but he expected after the election was over that he supposed that the party——

Q. What did he say?—A. That is what he said anyhow.

Q. What did he expect?—A. That he would get this money from the Republican party after the election was over; these are the very words he did say.

Q. Did he ask for you to work for the Republican party in general?—A. No, sir.

Q. Did you receive any money from any other party?—A. No, sir.

Q. Tell us whether or not any money was offered to you by any other party?—A. No, sir; none whatever.

Q. Or left at the house for you?—A. No, sir.

Q. How much did Dougherty leave at the house for you entirely?—A. Ten dollars; I know I got five dollars of it.

Q. Were you in the post-office in Ashland to-day?—A. Yes; I was in the post-office in Ashland to-day.

Q. Who did you see there?—A. I saw the postmaster.

Q. Who was that?—A. I think it was Mr. Leib; I do not know the gentleman.

Q. Was he speaking to you about this contest?—A. No, sir; he never spoke to me a word, only told me there was nothing there for me. I asked him for letters, and he said there was nothing there.

Q. Who did you meet up Walnut street?—A. I met Johnny Donahue; he came up there after me, and told me I had better be around; that I would be called right after dinner. I have friends up on Walnut street.

Q. Who are they?—A. The Haleys.

Q. Who else did you meet up there; anybody talking about this contest?—A. No, sir; nobody spoke about this contest.

Q. Or about this matter?—A. No, sir; nobody mentioned anything about the money to me.

Cross-examination (reserving all exceptions as noted in cross-examinations of previous witnesses) by Mr. Smith:

Q. Were you opposed to Calihan?—A. Yes; I was.

Q. Mr. Dougherty knew that you were opposed to him?—A. Yes; and it was through him that I was opposed to him.

Q. It was not only you, but there were a number of you there who were opposed to him?—A. I do not know anything about anybody else's business; but I was opposed.

Q. And so was Dougherty?—A. Yes; I think he was, by the way he spoke.

Q. You did electioneer and work against him?—A. Indeed I did not get much trouble from him. I went to work after I got the money that morning; I did not care which way it would go.

Q. You voted?—A. Yes; I voted.

Q. And that was all that passed between you and Dougherty, simply that he was wanting you to vote against Jack Calihan?—A. Yes; that was.

Q. And it was through Dougherty that you were opposed to Big Jack?—A. Yes; it was through him; because he told me that Big Jack was the cause of him losing his money, and Dougherty was an uncle of mine.

Redirect examination by Mr. Minogue:

Q. You knew that Dougherty was opposed to the Democratic party?—A. I do not know whether he was or not.

Q. Were you in James's office during the campaign?—A. I do not know James; I would not know him if I met him to-day.

DENNIS CURLEY.

Sworn and subscribed before me this 28th day of February, 1877.

C. LITTLE,
Notary Public.

PHILIP HEFFRON, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Minogue:

Question. Do you know Mr. Monaghan?—Answer. Yes; I do.

Q. Did you have any conversation with him concerning the last Presidential campaign?—A. Yes; I had; I was talking to him.

Q. How often did you meet him?—A. May be once and more; may be more than once.

Q. When did you meet him upon the subject of politics?—A. I might have a talk with him three or four times, for all I know, and may be oftener than that.

Q. When did you meet him first on that subject?—A. That is a question I won't answer, because I cannot answer it for you.

Q. Did he call on you?—A. No, sir.

Q. Never called at your house?—A. No, sir. Oftentimes he calls when he passes by; but to call upon me personally in my house, I do not remember that he did.

Q. Did you call at his house?—A. No; not upon any such occasion as that.

Q. Where did you meet him there three or four times?—A. I often meet him at Ashland; and often I came into Ashland within the last two months.

Q. Did he ever offer any money to you?—A. Well, Martin Monaghan gave me five dollars.

Q. When?—A. It was the day of the election—no; not the day of the election, but the day of the circus that was here in Ashland.

Q. For what purpose?—A. He gave it to me. I will tell you certainly. I came along here with Anthony Corey, and we went up into the circus-ground, and we met Mr. Monaghan that day, and he called us in and we had a treat; and he treated us, both of us, and then he asked us if we were going into the circus, and I told him—I think it was me; I am not positive which of us said it, but the remark was passed that we would go, only we had no money; and then the understanding was to be sure, and he said, "You cannot be short; I will furnish you with a few scrips to see you through;" and we went right through then, went down along, and he brought us into Mr. Horan's hotel there, in the upper end of town, and we went there and had a drink, and then he took us down into his own house and asked his wife if she had any money.

Q. Did he give you money?—A. He took us right into his own house and asked his wife if she had any money, and he got a few dollars from his wife, and he gave me five dollars, and I do not know how many dollars he gave the other man; but I know that he gave me five dollars, but I did not understand purposes, for there was nothing of the kind mentioned at the time, as I know; he gave me five dollars for that day's expenses; it was the time the circus was here.

Q. Did you come to town with Corey that day?—A. Yes, sir.

Q. And you were with Corey all that day?—A. Not all that day; I did not go home along with him; I was up to the circus around with him.

Q. Were you with him when you first met Martin Monaghan that day?—A. I do not know whether I was or not. In a circus-ground of that kind fellows will part and meet.

Q. Do you say now that you did not talk politics before he gave you the five dollars?—A. I do not say that we did not talk politics; I can tell you that undoubtedly, that he asked me if I would not go his way; when he related his matters to me, undoubtedly I said I did not see that there is any difference in that, for that is the way I intended to go any way.

Q. Did he ask you to vote for the Republican ticket, or for any mem-

ber of it?—A. I said that I did not see that there was any difference in it, and that was the way I intended to go. There may be some exceptions.

Q. Which way was it he wanted you to go?—A. Now, that is a question I will not answer.

Q. You will answer that question.—A. No, sir; I will not answer it.

Q. Upon what ground?—A. My ground is that I think that I am a citizen of the United States, and have a free vote and free will to do what I please, and upon these conditions I think I had a right to do as I pleased, and, therefore, I think that is a question I will not answer.

Q. I am not asking you which way you went, but which way did Martin Monaghan want you to go, which you said was your way?—A. My way was my own way. If Martin Monaghan had asked me to vote the Republican ticket all through, that is not the reason I should do it for him.

Q. Which way was it he wanted you to go?—A. He undoubtedly wanted me to vote the Republican ticket, but that was before he ever gave me any money—mind, notice that. It did not make any change in my opinion.

Q. You were elected judge of the election district of Girardville?—A. Yes, sir.

Q. In the spring election of 1876?—A. I was.

Q. Did you act as judge last year?—A. I did not, sir.

Q. Who was appointed in your place?—A. Clint. Hower.

Q. Tell us whether or not you met Joe Gleich, or any other parties, at Hower's Hotel the night before the election, or any night about the election?—A. I do not believe that I met Joe Gleich at Hower's before the election—either before or after the election; if I did, I do not remember it.

Q. Who did you meet at John Hower's?—A. There were several I did not know and a crowd there. There was a Democratic speech there.

Q. Was it the night before election?—A. No; I do not think I was there the night before the election; I may and I may not; I cannot remember these things.

Q. When did you resolve not to act as judge?—A. On the election morning.

Q. Why?—A. Well, in the first place, I was not thoroughly acquainted with the election laws of the new constitution, and, in fact, I did not think I was qualified enough as long as I did not study upon it, upon the laws. That was one reason.

Q. When did you first discover that you had no knowledge of these things, at the time you were elected or on election morning?—A. As soon as ever I learned or looked into the matter to see that I was not, and had no right since I did not understand it.

Q. When did you look into it?—A. I cannot tell you the day or date, or anything about it. It may be two or three weeks or more.

(Mr. Smith, on behalf of contestant, objected to all the preceding evidence.)

Q. You were elected on the Democratic ticket?—A. Yes, sir.

Q. Is not Clint. Hower a Republican?—A. If he was a Republican——

Q. Answer my question.—A. I will, sir; if he was a Republican they had no right to hold Democratic meetings in his place, only he was a Democrat.

Q. Was Clint Hower a Republican?—A. I always understood that he was a Democrat and not a Republican.

Q. Clint Hower?—A. Yes; and so was his father. His father was

always a Democrat, so far as I have known, and I was always under the impression that he was a Democrat.

Q. Was it you appointed Clint Hower a judge in your place?—A. Yes; after giving a chance to several more leading Democrats in the town to take my place.

Q. Who did you ask to take your place?—A. Mr. Birmingham's brother for one—there is two of them I know.

Q. Which one is it?—A. The one that keeps tavern there, or saloon, just as you please. I asked James Hosey for another. I asked Mr. Kinney for another; he is a merchant there and keeps store. He is the only Kinney in that town that keeps store; and I asked his father for another, and they all refused; and then after this was all done Hower was standing by the door outside, and he said that he would take it and serve, and I said, "You take it and serve."

Q. Did you not meet Joe Glick and Clint Hower, or some other parties at Joe Hower's hotel, and there arrange that you would not go into the board, but that Clint Hower should?—A. No, sir.

Q. Do you swear that?—A. Yes, and I am under oath. I am under oath, and that is sufficient. I had never a word with Joe Glick or Clint Hower the night before nor three weeks before the election, unless I met him on the street; that is so.

Q. Had you the night before the election resolved to not act upon the board?—A. I did not resolve to the board, but it was my intention to resolve, because I had my mind made up myself.

Q. And you never made it known until the morning of the election?—A. No, sir; I did not.

Q. When did you notify these parties that you would not serve?—A. Before the election-poll was opened.

Q. Were they standing there?—A. I notified some of them at their own houses as I was passing by to the polls, and I wanted them to serve and they said "no," they would not, and Clint Hower volunteered to go.

Q. Were you at the polls the day of election?—A. Part of the day.

Q. Tell us whether you did not receive money for stopping outside of the election-board?—A. I did not stay outside; you cannot find one man to prove that.

Q. Did you not receive money as a consideration for not acting as a judge of elections?—A. I told you that the five dollars I received from Martin Monaghan is the only money I received.

Q. Did you not receive money?—A. Yes, sir.

Q. As a consideration for not acting as judge of election?—A. No, sir; I did not. No, sir; I didn't. I can very handy answer your question.

Q. Tell me whether offers of money were not made in Girardville to you?—A. If there was——

Q. As a consideration for your vote at the late election?—A. No, sir; not a cent. All the offers of money made to me in this world was what passed between me and Mr. Monaghan that he wanted me to support the Republican ticket. That is what I understood from him, and I asked him what parties, and he said the full Republican ticket; and I told him that I could not do; that there was a few exceptions I could not do, but the balance I could go very well.

Q. And that was before the time that you and Carey received the five (5) dollars apiece from Monaghan?—A. No, sir; I believe it was the first day—that day we met him—that was the first day, at the circus, and in fact the understanding was what I have told you.

Q. Was there any money left at your house or with your wife for you?—A. If there was she never gave it to me, but kept it and didn't tell me anything about it. But, candidly, I think that I could say it if she did anything that a man did not see nor hear that he can swear to, I think I can swear that there was never a cent. The woman never got a cent of it, I think.

(Mr. Smith, on behalf of contestant, objected to all the foregoing testimony as irrelevant and immaterial.)

Cross-examination (reserving all exceptions as noted in the cross-examination of previous witnesses) by Mr. Smith:

Q. When you met Mr. Monaghan, and he gave you this five dollars, he did not buy your vote; he did not pay you for voting so and so?—A. There was not a vote mentioned about it at the time.

Q. The way he came to give you money, you said that you had no money to go to the circus?—A. I told him as I told you before; we wanted to go into the circus, and I do not know whether it was me or the other man that said we had no money, and he said he could furnish us money.

Q. And he got the money from his wife?—A. He borrowed the money. He asked the woman if she had the money, and he got the money, and I think he gave me five dollars. I could not say how much he gave the other.

Q. How long had you known Monaghan?—A. For the last eighteen or nineteen years.

Q. He used to live in Girardville and keep a store?—A. He was in Girardville, and I was dealing in the store for ten or twelve years.

Q. You have been friends all this time?—A. So far as the dealing was concerned. I dealt with him and paid him up to the cent. When a man pays another man up in twelve years' dealing they should be friends.

PHILIP HOFFSORN.

Sworn and subscribed before me this 28th day of February, 1877.

C. LITTLE,
Notary Public.

JOHN BARRETT was called and sworn, but, upon counsel for contestant objecting that he had not been included in notice to them, he was withdrawn.

PATRICK MULLOWNEY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. They call it Rappahannock, or East Butler; it is all the same.

Q. Do you know Martin Monaghan?—A. I do, sir.

Q. Tell us whether, at any time, you met him before the election in relation to political matters, at any time before the fall election?—A. Well, I would rather be asked the questions, because I might carry it too far—I might keep you too long.

Q. Did you ever meet Martin Monaghan at his house?—A. Yes, sir.

Q. Tell us what he said to you there about politics and the Republican party?—A. I came into Martin Monaghan's on Sunday, and there was five, I believe, there might be seven or eight for all I know, together, and there was one or two men I did not know, and the rest were men from East Butler, except a few men that passed in and out. Martin Mona-

ghan never made any mention of James or Reilly or Nutting to my knowledge while I was there.

Q. Did he talk politics to you?—A. Well, he was talking politics a little, and he said he was interested in the election. He said first, "Now, you are all here my friends, and if I was running for office myself I would expect you to vote for me, and if you would do me a favor you will vote for this gentleman from Ashland."

Q. James?—A. James; he never made mention of any other man to my knowledge.

Q. Who was in besides, at the time?—A. Thomas Heffson and Thomas Tallett was in ahead of me, and Anthony Govghon came in afterwards, and John Irwin and I was together.

Q. Did he say anything about the payment of any money?—A. No, sir; he did not say he would give us a dollar, or ten or twenty, or any amount, but he made this allusion, that he was interested in the election, and if he was running himself he would expect our votes, and that he would expect us to do a favor for him in this election.

Q. Were you there at any other time?—A. No; not before the election. I was not there before or after.

Q. Who asked you to go there?—A. Well, Martin Monaghan was in the house, and I was not present, and he asked the wife if I was there and the wife said no, and he told her to tell me when I went to church at Ashland that he would like to see me at his house.

Q. You came to his house in obedience to that request?—A. Yes, I did that.

Q. That was all that was said there by Martin Monaghan about politics?—A. There was many little things talked, but not touching politics.

Q. Did he not ask the party there to use their influence for the Republican party?—A. No, sir; not so far as I understand it. He made a remark about this man James, and that is all.

Q. Did he not mention the subject of money in connection with politics?—A. Now, if any of them would say that he offered them money I would be of a different opinion. He never said he would give them a cent of money.

Q. Did Gaughan hear all that was said?—A. When I came in Gaughan was not in, but I think Gaughan was in ahead of Monaghan coming in.

Q. Was Martin Monaghan at your house when you yourself were there?—A. No, sir.

Q. Did you hear him talk to Gaughan that day, at the house, on the subject of politics?—A. No, sir.

Q. At the time you were at the house?—A. No, sir. He might have made reference to one man, but I think he was speaking to the most of us together. There were five or six of us together, and I would not say that he was talking to one more than to another.

Q. Were you offered any money by him or anybody else for your influence or vote at that election?—A. He never offered me a cent.

Q. Did he leave money at your house with anybody for you?—A. No, sir; not a cent of money did Martin Monaghan leave at my house.

Q. Were you not at Martin Monaghan's more than once during the campaign?—A. No, sir; I was not; that is the only day I was ever in Monaghan's since this election came up at all.

Q. How long were you in the house that day?—A. Well, we came down after church into Monaghan's, and dinner was not ready and we waited for dinner, and Monaghan was not in until just about dinner-time, and there was nothing said only that there was a bottle of whisky

there on the table, and he told any one to take a glass of whisky, but I belonged to a temperance society and I could not drink it, and the company of them had a glass of whisky, and that is all I saw.

Q. Did you take dinner there that day?—A. Yes, sir; dinner was got ready, and I took it.

Q. What time did you leave there?—A. I could not tell. I guess it was not more than an hour after dinner-time that we went away from there.

Q. This was all that was said during this time?—A. We might have a talk—everybody might have a word to say, this and that; that was the principal sum of it.

Q. Was there anything else said or talked about at that house that day by you and Martin Monaghan except politics?—A. He was talking of last year's politics, and so were some of these men I did not know, and the time wore on and they were talking, and I heard them say there that he pushed Mr. Reilly last year.

Q. How was Reilly brought in; did he say what he was going to do this year?—A. He never made any mention at all of Mr. Reilly.

Q. How did Reilly's name come to be mentioned about pushing him before?—A. I don't know. I think he was addressing this thing about his influence, or something; but I do not know. I do not know whether the man came from Mahanoy Plane or not; I do not know his name; I never asked.

Q. It was to him he was talking?—A. Yes; as though he was like a man of interest or influence in the campaign; and he said, "You and I pushed Reilly last year," as though if they took an interest in a man he would do the same.

Q. What did he say they were to do this year?—A. That is the way they made the allusion.

Q. Did they follow that up with any conversation about Reilly?—A. No; I think that was about the sum of it.

Q. Did you see a list—did not Martin Monaghan show you a list there that day with names on, together with amounts?—A. No, sir; never while I was there.

Q. Did he not show a list of names to you who were to work in the different townships for the Republican party?—A. No, sir; never made the remark while I was present.

Q. Did he not tell you the amount of money that was to go into these different townships?—A. No, sir; not a cent of it.

Q. Did you see Martin Monaghan since you came to town?—A. I seen him in this very house here.

Q. Were you speaking to him?—A. Yes, sir. I always speak to him whenever I meet him.

Q. Where was it?—A. In the bar-room.

Q. Did you have a drink together?—A. No, sir. I belong to a temperance society, and I do not drink liquor.

Q. Did he talk to you what you were brought here for?—A. No, indeed he did not.

Q. Did he not have a conversation of over an hour's length out there to-day with you?—A. Indeed he did not; there was a whole crowd on the corner, and the conversation was not about this affair.

Q. Did you talk English or Irish?—A. English, but Martin is in the habit of going into Irish or English; he would as soon talk Irish as English.

(No cross-examination.) PATRICK MULLOWNEY.

Sworn and subscribed before me this 28th day of February, 1877.

C. LITTLE, *Notary Public.*

EDWARD GORMAN, being duly sworn, according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. You were judge of election in East Butler last election?—Answer. Yes, sir.

Q. Tell us whether you know of the offer of money or other corrupt influence during the late election in your district.—A. No, sir. I do not know anything about it; I do not know of anything.

Q. Was any offer of money made to you?—A. No, sir.

Q Or any promise?—A. No, sir; not as I know of.

(No cross-examination.)

EDWARD GORMAN.

Sworn and subscribed before me this 28th day of February, 1877.

C. LITTLE,
Notary Public.

The examination was then adjourned by the commissioner until next Tuesday morning, March 6, 1877, at nine o'clock, to meet at the public house of Harry Newman, in the borough of Shenandoah.

EXHIBIT B.—*C. Little, Notary Public.*

Copy of notice served on J. L. Nutting for witnesses in Ashland Borough.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *February* 23, 1877.

SIR: You are hereby notified that in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses, whose names are hereinafter given, before C. Little, esq., notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Charles F. King, in the borough of Ashland, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Monday, February the 26th, A. D. 1877, at 9 o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking the testimony, to wit:

Michael Leffler, William Gleain, of the borough of Ashland, in said county; Napoleon Thomas, of North Butler election-district in said county; Samuel Miller, George Beisel, of South Butler election-district, in said county; Dominick Barrett, Daniel Barret, of the borough of Girardville, in said county.

J. B. REILLY.

To J. L. NUTTING, Esq.

SCHUYLKILL COUNTY, *ss:*

Jacob C. Kline, being duly sworn, deposes and says he served a copy

of within notice personally on J. L. Nutting, esq., contestant, at his place of residence in Pinegrove, in said county and in said Congressional district, on Friday, the 23d day of February, A. D. 1877, at about 2 p. m. of said day.

JACOB C. KLINE.

Sworn and subscribed this twenty-fourth day of February, 1877, before me, Christopher Little, a notary public of Pennsylvania, residing at Pottsville.

[SEAL.]

C. LITTLE,
Notary Public

EXHIBIT A.—*C. Little, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *February* 23, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given before C. Little, esquire, notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Charles F. King, in the borough of Asland, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Monday, the twenty-sixth day of February, A. D. 1877, at 9 o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

Michael Kelly, John Durkin, Martin Monoghan, Michael Quigley, Peter Luby, Neal Lenihan, Patrick Haley, Thomas Hirst, Patrick Padden, Thomas Campbell, Patrick Cummings, Michael Naughton, Francis Naughton, Anthony Haley, John Naughton, Patrick Mulhearn, Mordecia James, Stephen Reese, John L. Lewis, John R. Jones, Robert Watkins, Henry Price, Henry Parry, Richard P. Jones, Francis Davis, George Edwards, James B. Levans, James H. Parry, jr., George Parry, James M. Price, James D. James, George Bevan, David F. Reese, William Lewis, James Bevan, John H. Pritchard, James F. Jones, David E. Davis, Enoch Jones, Morgan Evans, Thomas James, William Parry, John James, sr., James James, William James, William Gidding, James Price, Thomas Morgan, Howell Reese, Samuel Evans, Benjamin Reese, Philip Hughes, William E. Jones, Philip Reese, John J. Davis, John Morgan, David P. Williams, Thomas F. Johns, Jacob Williams, Watkin Powell, all of the borough of Ashland, in said county.

William Hay, James Donaldson, Patrick Joyce, Samuel Cooch, all of West Mahanoy Township election-district, in said county of Schuylkill.

Frank McKeown, Frank O'Boyle, Thomas McCoy, Michael Welsh, all of the borough of Gilberton, in said county.

Patrick Dougherty, Bryan Monoghan, all of North Butler election-district, in said county.

Charles Dougherty, Patrick Curley, John Irwin, Patrick Mullowney, Edward Gorman, Anthony T. Gaughan, Patrick Doherty, Anthony Carey, Terrence Scanlin, Frank Carey, all of East Butler election-district, in said county.

John Green, Samuel Green, Thomas Green, Philip Heffron, Denis Curley. all of the borough of Girardville, in said county.

Michael Monoghan, of the borough of Shenadoah, in said county.

John Schwalm, of Hegins Township election-district, in said county.

JAMES B. REILLY,
By his attorney, JNO. A. NASH.

SCHUYLKILL COUNTY, *ss :*

Jacob C. Kline, being duly sworn, deposes and says he served a copy of within notice personally on J. L. Nutting, esq., contestant, at his place of residence in Pinegrove, in said county, and in said Congressional district, on Friday, the 23d day of February, 1877, at about 2 p. m. of said day.

JACOB C. KLINE.

Sworn and subscribed this 24th day of February, 1877, before me.
[SEAL.] CHRISTOPHER LITTLE,
A Notary Public of Pennsylvania, residing at Pottsville.

EXHIBIT C.—*Oath, February* 26, 1877.—*C. Little, Notary Public.*

STATE OF PENNSYLVANIA, *County of Schuylkill, ss :*

I, Ervine D. York, do swear that in the matter of the contested election between James L. Nutting and James B. Reilly, I will, to the best of my skill and ability, faithfully and correctly write down in short-hand the evidence of the several witnesses who shall be produced for examination; and that I will afterward fairly and correctly transcribe and copy such stenographic report into long hand or regular manuscript for use in this case.

E. D. YORK.

Sworn and subscribed this 26th day of February, 1877, before me.
[SEAL.] CHRISTOPHER LITTLE,
Notary Public, &c.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 9, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given before C. Little, esquire, notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Tuesday, the 13th day of March, A. D. 1877, at 9 o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional

district to which the examination may be adjourned by the officer taking such testimony, to wit:

William J. Bell, jr., Edward Foley, Patrick Shortel, Michael Gavin, David Brown, David Price, Daniel Amis, sr., Theodore Heilman, William Shortel, of the election-district of South Cass, in said county.

Oscar Lavenberg, James Quinn, jr., Morgan Richards, of the borough of Minersville, in said county.

Thomas Melons, of Norwegian Township election-district, in said county.

Perry Fegly, Solomon Freed, of the borough of Orwigsburg, in said county.

Reese R. Reese, of the borough of Pottsville, in said county.

Joseph Garner, William Garner, Martin Monoghan, of the borough of Ashland, in said county.

J. B. REILLY.

To J. L. NUTTING, Esq., or
WILLIAM R. SMITH, Esq.,
His Attorney.

SCHUYLKILL COUNTY, *ss:*

Jacob C. Kline, being duly sworn according to law, deposes and says he served a copy of within notice on W. R. Smith, esq., attorney for James L. Nutting, esq., on Friday, March 9, A. D. 1877, in the borough of Pottsville, said county and said Congressional district, at 4 p. m. of said day.

JACOB C. KLINE.

Sworn and subscribed before me this 15th day of March, A. D. 1877.

[SEAL.] C. LITTLE, *Notary Public.*

D.—*Offered in evidence March* 24, 1877.—*C. Little, Notary Public.*

HEADQUARTERS OF THE
REPUBLICAN STANDING COMMITTEE
OF SCHUYLKILL COUNTY.
Pottsville, November 4, 1876.

DEAR SIR: A list of persons in your district who have not paid their taxes in 1875 has been mailed to you. It has been *carefully made* from books in commissioners' office, and is, approximately at least, correct. The probability is that most of these men have not paid their taxes for 1876; and whether they have tax-receipts for 1876 or not, it will be your duty to challenge the vote of every man among them whom you think will not vote the Republican ticket. Should any one challenged produce a tax-receipt for 1875, mark his name X; and should any produce a tax-receipt for 1876, mark his name —, and return the list so marked to these headquarters the day after the election. Proceedings can then be instituted by us against either the receiver or maker of a false tax-receipt, or against any collector making false returns, if detected. It is our intention to have this challenging and marking done throughout the county, and it will probably make a difference of five hundred votes.

GEORGE CHAMBERS, *Chairman.*

To GEO. FARNE FOSTER.

PENNSYLVANIA, *ss:*

In the name and by the authority of the commonwealth of Pennsylvania, John F. Hartranft, governor of the said commonwealth, to Christopher Little, esq., of the county of Schuylkill, sends greeting:

Reposing especial trust and confidence in your prudence, integrity, and abilities, by and with the advice and consent of two-thirds of all the members of the senate, I have appointed you, the said Christopher Little, to be a notary public for the commonwealth of Pennsylvania, to reside in the borough of Pottsville, in said county. You are, therefore, by these presents, appointed and commissioned to be a notary public as aforesaid; to have and to hold the said office of notary public, together with all the rights, powers, and emoluments to the said office of notary public belonging or by law in anywise appertaining, for the period of three years, to compute from the day of the date hereof, if you shall so long behave yourself well.

Given under my hand and the great seal of the State, at Harrisburg, this fifth day of April, in the year of our Lord one thousand eight hundred and seventy-six, and of the commonwealth the one hundredth.

By the governor:

[SEAL.] M. S. QUAY,
Secretary of the Commonwealth.

Recorded and examined April 17, 1876.

ADAM HARTWIG, *Recorder.*

Know all men by these presents, that we, Christopher Little, Henry C. Russel, A. Campbell, of the county of Schuylkill, are held and firmly bound unto the commonwealth of Pennsylvania, for the use thereof, in the sum of three thousand dollars, lawful money, to be paid to the said commonwealth; to the which payment, well and truly to be made and done, we bind ourselves, jointly and severally, for and in the whole, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals and dated the 17th day of April, in the year of our Lord one thousand eight hundred and seventy-six.

Whereas the said Christopher Little has been duly appointed a notary public in and for the commonwealth of Pennsylvania, to reside in the borough of Pottsville, in said county of Schuylkill, by commission from the governor of this commonwealth, bearing date the 5th day of April, one thousand eight hundred and seventy-six, to hold the said office for three years from the 5th day of April, one thousand eight hundred and seventy-six:

Now, the condition of the above obligation is such, that if the said Christopher Little, appointed and commissioned notary public as aforesaid, shall and does well and truly and faithfully in all things execute and perform the duties of the said office of notary public according to the several acts of assembly relating thereto, and shall well and faithfully account for and pay over into the State treasury all public moneys or taxes which he shall become liable to pay to the commonwealth, or which shall come into his hands from time to time during his continuance in the said office, and also shall, when thereunto lawfully required, deliver up to the register records and other public papers to the said office belonging, whole, safe, and undefaced into the office of the recorder of deeds for the said county of Schuylkil, as required by law, then this obligation to be void, or else remain in full force and virtue.

CHRISTOPHER LITTLE. [SEAL.]
HENRY C. RUSSEL. [SEAL.]
A. CAMPBELL. [SEAL.]

Sealed and delivered in the presence of us—
C. F. RAHN.

Recorded and examined April 17, 1876.

ADAM HARTWIG, *Recorder.*

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Christopher Little, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the constitution of this commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or valuable thing to procure my nomination or appointment, except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election-law of this commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law.

C. LITTLE.

Sworn and subscribed before me this 17th day of April, A. D. 1876.

ADAM HARTWIG,
Recorder.

Recorded and examined April 17, 1876.

ADAM HARTWIG,
Recorder.

I, Adam Hartwig, recorder of deeds, &c., in and for said county, do certify that the writing contained on the foregoing four pages of this paper is a true and correct copy of the commission, bond, and oath of Christopher Little, notary public, so full and entire as the same now remains of record in this office in commission book No. 9, page 220, &c.

Witness my hand and official seal, at Pottsville, this 17th day of March, A. D. 1877.

[SEAL.] ADAM HARTWIG,
Recorder.

PENNSYLVANIA, *ss:*

In the name and by the authority of the commonwealth of Pennsylvia, John F. Hartranft, governor of the said commonweath, to James G. Hutton, esq., of the county of Schuylkill, sends greeting:

Reposing especial trust and confidence in your prudence, integrity, and abilities, by and with the advice and consent of two-thirds of all the members of the senate, I have appointed you, the said James G. Hutton, to be a notary public for the commonwealth of Pennsylvania, to reside in the borough of Shenandoah, in said county. You are therefore, by these presents, appointed and commissioned to be a notary pnblic as aforesaid; to have and to hold the said office of notary public, together with all the rights, powers, and emoluments to the said office of notary public belonging, or by law in any wise appertaining, for the period of three years, to compute from the first day of October, A. D. one thousand eight hundred and seventy-five, if you shall so long behave yourself well.

Given under my hand and the great seal of the State, at Harrisburg, this thirty-first day of March, in the year of our Lord one thousand eight hundred and seventy-six, and of the commonwealth the one hundredth.

By the governor:

[SEAL.] JOHN BLAIR LINN,
Deputy Secretary of the Commonwealth.

Recorded and examined April 5, 1876.

ADAM HARTWIG, *Recorder.*

Know all men by these presents that we, James G. Hutton, J. A. Smith, and James Keems, of the county of Schuylkill, are held and firmly bound unto the commonwealth of Pennsylvania, for the use thereof, in the sum of three thousand dollars lawful money, to be paid to the said commonwealth; to the which payment, well and truly to be made and done, we bind ourselves jointly and severally for and in the whole, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals and dated the 5th, day of April, in the year of our Lord one thousand eight hundred and seventy-six.

Whereas the said James G. Hutton has been duly appointed a notary public in and for the commonwealth of Pennsylvania, to reside in the borough of Shenandoah, in said county of Schuylkill, by commission from the governor of this commonwealth, bearing date the 31st day of March, one thousand eight hundred and seventy-six, to hold the said office for three years from the first day of October, one thousand eight hundred and seventy-five:

Now the condition of the above obligation is such, that if the said James G. Hutton, appointed and commissioned notary public as aforesaid, shall and does well and truly and faithfully in all things execute and perform the duties of the said office of notary public according to the several acts of assembly relating thereto, and shall well and faithfully account for and pay over into the State treasury all public money or taxes which he shall become liable to pay to the commonwealth, or which shall come into his hands from time to time during his continuance in the said office, and also shall, when thereunto lawfully required, deliver up to the register records and other public papers to the said office belonging, safe and undefaced, into the office of the recorder of deeds for the said county of Schuylkill, as required by law, then this obligation to be void; or else to be and remain in full force and virtue.

JAMES G. HUTTON. [SEAL.]
J. A. SMITH. [SEAL.]
JAMES KEEMS. [SEAL.]

Sealed and delivered in the presence of us—
GEORGE W. BEDDALL.
J. H. HOSKINS.

Recorded and examined April 5, 1876.

ADAM HARTWIG, *Recorder.*

STATE OF PENNSYLVANIA, *County of Schuylkill, ss:*

I, James G. Hutton, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the constitution of this commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or valuable thing to procure my nomination or appointment, except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election-law of this commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law.

JAMES G. HUTTON.

Sworn and subscribed before me this 5th day of April A. D. 1876.

ADAM HARTWIG, *Recorder.*

Recorded and examined April 5, 1876.

ADAM HARTWIG, *Recorder.*

SCHUYLKILL COUNTY, *ss:*

I, Adam Hartwig, recorder of deeds, &c., in and for said county, do certify that the writing contained on the foregoing four pages of this paper is a true and correct copy of th e commission, bond, and oath of James G. Hutton, notary public, so full and entire as the same now remains of record in this office in commission book No. 9, page 212, &c.

Witness my hand and official seal, at Pottsville, this 17th day of Marchf A. D. 1877.

ADAM HARTWIG, *Recorder.*

EXHIBIT E.—*C. Little, Notary Public.*

John McDevitt	Burke, John
Patrick McDevitt	Bentley, Michael
Edward Coffee	Barrett, Martin
Patrick McNealis	Barrett, Patrick
Thomas Bannehan	Conroy, Owen
Hugh McGee	Connor, Henry
John McGeehan	Conroy, James
John Gallagher	Coulin, John
Patrick Boner	Carey, Anthony
John O'Donnell	Crane, Dominick
John Boyle	Conroy, Patrick
Patrick Manley	Caff, Patrick
Daniel McCafferty	Carduff, Denis
John McLaughlin	Crane, Anthony
Rodger O'Donnell	Coyle, Michael
George McConnell	Coyle, Anthony
Peter Cull	Dougherty, Thomas
John McLaughlin	Dougherty, John
Boyle, Daniel	Dougherty, Owen
Boyle, William	Dixon, James
Barrett, John	Dean, Patrick
Callet or Tallet, James	Dunleavy, John
Curry, William	Dean, Anthony
Dunleavy, Patrick	Flannery, Patrick
Daley, Michael	Frainey, Thomas
Dormer, William	Faye, Andrew
Fisher James	Feeny, Patrick
Gavin, Michael, sr.	Fallet, Thomas
Gavin, Michael, jr.	Flanney, Patrick
Garmon, Patrick	Grogan, Charles
Hopkins, Patrick	Gallagher, Andrew
Haggerty, Cornelius	Gaughan, Lawrence
Johnson, Patrick	Gannon, Patrick
Lafferty, Patrick	Gilroy, Martin
Lawlor, William	Gilroy, Peter
McCannon, John	Garvery, Michael
McCool, Luke	Heffron, Thomas
McLenky or McLarky, Jno.	Heffron, Lawrence
McHugh, Martin	Healy, Andrew
Munday, Thomas	Houston, Patrick
Menelis or McNelis, John	King, Anthony
Whalen, John	Kilcurr, Patrick
Bradshaw, Austin	Heraughty, Edward
Burke, John	Lenihan, Michael

Leonard, John
Murphy, Arthur
McGrath, Thomas
Mills, Henry
Munnely, Michael
McDonnell, John
McDonnell, Patrick
Mullarkey, James
Monoghan, Anthony
McAndrew, Michael
McClain, Owen
Murphy, James
McLaughlin, Anthony
McGuire, Terrence
McEntyre, Anthony
Mills, John
Murphy, Thomas
Monoghan, Patrick
Noon, Michael
Noon, Michael
O'Donnell, Neil
O'Malley, Michael
O'Donnell, Anthony
O'Boyle, Michael
O'Boyle, Michael
Padden, Patrick
Purcell, John
Roach, Patrick
Rollins, James
Reilly, Thomas
Reynolds, Patrick
Monoghan, James
Heffron, Bryan
Dougherty, Patrick
McNelis, John
Langton, Patrick
Patrick Coyle
Michael Donahues
Michael Gannon
Wm. McHale
Pat'k Harkins
Michael Donner
John McMichael
Richard Hughes
Matthew Cole
Bartholomew Collihan
Cornelius Leary
James Purcell

In the matter of a contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress, between James L. Nutting, contestant, and James B. Reilly, incumbent.

And now, to wit, March 7, 1877, at the public house of Jeremiah D. Focht (known as the Merchants' Hotel), in the borough of Pottsville, Schuylkill County, Pennsylvania, at 9 o'clock a. m., the undersigned duly attended, for the purposes of his appointment, to take the depositions of witnesses *ex parte* incumbent in the above-entitled case.

A. W. Schalck, esq., was present to examine the witnesses, and William R. Smith, esq., to cross-examine the same on behalf of the said contestant.

Ervine D. York was sworn as short-hand writer of the depositions. (Oath marked A, and hereto attached).

The witnesses were then called, duly sworn and examined, on behalf of the incumbent, as follows, to wit:

EDWARD A. SWALLOW, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

By Mr. Schalck:

Question. State your residence.—Answer. I reside at 387 South Center street.

Q. In what ward is that?—A. The south ward.

Q. Upon which side of Center street?—A. On this side of Center street; on the western side of Center street.

Q. Did you vote at the last election in November?—A. Yes, sir.

Q. Where did you vote?—A. I voted at the Merchants' Hotel.

Q. That is the poll of the south ward?—A. Yes, sir.

Q. Where did you live at that time?—A. Three hundred and eighty-seven South Center street.

Q. The same place where you now reside?—A. Yes, sir.

Q. Since when have you lived there?—A. Since the 30th of September, 1875.

Q. And been a constant resident of that ward ever since?—A. Yes, sir; ever since.

Q. You have been called upon to produce your tax-receipts; have you them with you?—A. Yes, sir. (Produces papers.)

(No cross-examination.)

EDWARD A. SWALLOW.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

JONAS STINE, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

By Mr. Schalck:

Question. Tell us where you reside.—Answer. I reside in the southeast ward of the borough of Pottsville.

Q. Since when have you lived there?—A. I moved out of this ward into that one about 35 days before the election.

Q. You have lived in the south ward before, and 35 days before the last November election you moved into the southeast ward?—A. Yes, sir.

Q. Did you vote at the last November election?—A. I did.

Q. Where did you vote?—A. At this poll.

Q. At the south-ward poll?—A. Yes, sir.

Q. You were not at that time a resident of the south ward?—A. No, sir; I was then in the southeast ward.

Cross-examination on behalf of the contestant (reserving all exceptions and objections), by Mr. Smith:

Q. At what house did you live at before you moved over into the other ward?—A. I lived in the house number 517 South Center street, in Morris's addition.

Q. Had you moved all your goods and family over at the time you did move?—A. Yes, sir.

Redirect examination by Mr. Schalck:

Q. You voted for Congressman at the last election?—A. Yes, sir; I did.

Q. Who did you vote for?

(Mr. Smith, on behalf of contestant, objected that the ballot is the best and only evidence.)

A. I voted for Nutting.

Recross-examination by Mr. Smith:

Q. Did you read your ticket?—A. Yes, sir.

Q. And you saw Mr. Nutting's name on it?—A. I did.

JONAS STINE.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

GEORGE F. WEAVER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where did you reside in November, 1876?—Answer. In the south ward, corner of Center and Mahantongo streets.

Q. Was your family residing there?—A. I have got no family. I have got a wife, and she is residing with her father at 704 Market street.

Q. Were you not living with your wife?—A. I was sleeping there.

Q. Were you sleeping there regularly during that time and previous thereto?—A. I was sleeping there as a general thing, but not all through; not altogether.

Q. You say you were not sleeping there regularly. State whether or not that was your regular place to stay over night?—A. Yes, sir; it was my regular place to stay overnight.

Q. You and your wife had not separated?—A. No, sir.

Q. And still continued to live as man and wife?—A. Yes, sir.

Q. Was not Market street your home?—A. No, sir; it was only my temporary home; I never left my father's house since I have been married, and I have every thing that belongs to me in the world at my father's house.

Q. Had your wife been living at your father's house with you?—A. No, sir; my wife was not living home, either, when she was married.

Q. How long before November had your wife been at home?—A. Since March last year—the 18th of March, 1876.

Q. From that time to the month of November, and for some time afterward, was not that your regular stopping-place?—A. It was my regular sleeping-place.

Q. Then why was it not your home?—A. I did not consider that my home. I considered that only my temporary residence until I was able to go to housekeeping, and I was preparing all the time she was living there to go to housekeeping.

Q. You say it was your temporary residence?—A. Yes; I considered it my temporary residence.

Q. But you did not consider it your permanent residence?—A. No, sir; because I would have been registered in that ward if I did. I guess I was there plenty in time; I was there from the 18th of March, 1876, but I had never taken anything away from our home, not even as much as a pair of stockings, and I can bring my father down here to testify to that, and I think he will consider that my home.

Q. Did you vote at the last election in November?—A. Yes, sir; I voted in the south ward.

Q. Did you vote for Congressman in that election?—A. Yes, sir.

Cross-examination, on behalf of contestant (reserving all exceptions and objections), by Mr. Smith:

Q. Your father lives on the corner of second and Mahantongo streets?—A. Yes, sir.

Q. In the south ward of the borough of Pottsville?—A. Yes, sir.

Q. How long has he lived there?—A. About thirteen years.

Q. You lived with him during all that time?—A. Yes, sir.

Q. And live there to-day?—A. Yes; I live there to-day, at least I consider it so.

Q. You have all your clothes there?—A. Yes, sir; everything that belongs to me.

Q. And you took your meals there?—A. Yes, sir; and my mending and washing is done there at my father's house.

Q. When you got married you did not go to housekeeping?—A. No, sir, I did not, and had no intention of it, either.

Q. Your wife staid at her parents' house?—A. Yes; within a month or so afterward.

Q. And you continued to stay at your father's house as before?—A. Yes, sir.

Q. Except you went to sleep at her parents' house?—A. Yes, sir.

Q. You have considered your father's house your residence since he moved there and do still?—A. Yes, sir.

Q. And did so at the last election?—A. Yes, sir, I did; I swore to that.

Q. You swore to that at the polls?—A. Yes, sir; that I claimed that as my residence.

Redirect examination by Mr. Schalck:

Q. You have one home, and your wife has another?—A. Yes; that is only her temporary home, in fact.

Q. Did you consider yourself as man and wife all of that time?—A. Yes, sir.

Q. Why is not the wife's home your home?—A. For the simple reason that I intend to go to housekeeping, and she is only staying there till we are able to do so, and I did not consider that my home at all.

Q. And you did not consider the place where you regularly staid and slept overnight as your home?—A. No, sir.

Q. For whom did you vote for Congress at the last election in November?

(Mr. Smith, on behalf of contestant, objects.)

A. I can answer that question, because I think I voted legally.

The COMMISSIONER. You can answer the question, then, if you choose to do so.

A. I voted for Colonel Nutting.

GEORGE F. WEAVER.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

SAMUEL H. MILLER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. You voted at the last election in November?—Answer. Yes, sir.

Q. Where did you vote?—A. In the south ward of Pottsville.

Q. Where was your residence at that time?—A. I forget the number, but it was the corner of Fourth and Schuylkill avenue in Pottsville.

Q. That was in the south ward?—A. Yes, sir.

Q. How long had you been living there?—A. Well, I had been living there I can't say exactly, but I suppose about two years; it may be more or less.

Q. How long had you been living there immediately preceding the November election?—A. I was there—I had been away and came back; I cannot say whether it was six weeks or two months before the election; it might be more or less.

Q. And do you mean to tell us that you had been there six weeks or two months before the election and continuously residing in the south ward of Pottsville?—A. Well, I was here back and forth all the time; I was not residing there continuously; that was my home.

Q. Did not you come home just a day or two before the election?—A. I came home the day before the election, but I had been here and went away and came back again.

Q. When had you been here before then?—A. That was as I told

you, six weeks or two months, more or less; I did not take notice; I had no intention about voting, for I was coming and going.

Q. How long did you stay here when you were here before?—A. I had been here about a week, I suppose.

Q. And how long before then was it that you were last in Pottsville?—A. That I cannot say; I do not remember.

Q. Was not your residence in 1875, at the time of the general election of that year, in the city of Philadelphia?—A. I voted there, but I do not know whether it was the general State election or what it was, but that was the first time I voted I know, and another thing, I cannot say whether I paid tax or whether I voted on age there. I know that it was the first place I voted, and I got a paper, and that I cannot find, and I mentioned it to Mr. Foster the day of the election here.

Q. You voted in Philadelphia?—A. Yes, sir.

Q. Then you had your residence or claimed your residence in Philadelphia at that time?—A. Yes; because I was working there, and certainly I resided there at that time.

Q. Do not you remember that it was at the general election for governor in 1875?—A. Yes, sir; I think it was, but I am not positive, because the elections did not trouble me very much; I just seen whether I had the right to vote, and I had, and I voted.

Q. When did you cease to be a resident of Philadelphia?—A. That is some time ago, ever since I stopped working there. I have been to Harrisburg since then, and Sunbury and Pottsville.

Q. After giving up your residence in Philadelphia, did you acquire a permanent residence anywhere?—A. I always took Pottsville to be my permanent residence; it was my home.

Q. Pottsville was your home in 1875 when you voted in Philadelphia?—A. It was my home always. I did not make my home in Philadelphia.

Q. You have been raised here and you always considered this your home, and that is the reason you call it your home?—A. Yes, sir.

Q. When you voted in Philadelphia in 1875 did you not abandon your home in Pottsville?—A. Yes; when I voted in Philadelphia in 1875, most assuredly my home was there when I was there.

Q. When did you leave Philadelphia?—A. That I cannot say; some time after election, though.

Q. Some time in the spring or summer of 1876?—A. It was not very long after election.

Q. Where did you go to from there?—A. I think I came to Pottsville or Harrisburg. I cannot say whether I went to Harrisburg first and then came over, or whether I came to Pottsville first.

Q. You were in Harrisburg for some time?—A. Yes, sir; I was working there.

Q. How long?—A. It was not very long.

Q. You were up to Sunbury, then, a month or two before the election?—A. Yes; I came here, and from here I went to Sunbury.

Q. When did you come to Pottsville, as near as you can get at it?—A. I came here from six weeks to two months—more or less—before the election, and I went to Sunbury, and I stopped at places on the road up to Tamaqua and Shamokin and places to see how work was, and at Sunbury I took a shop and I run it on trial about two weeks, and it did not pay me, and I went to Harrisburg.

Q. The shop you took on trial you run in your own name?—A. Yes, sir.

Q. And advertised the business in your own name?—A. Yes, sir.

Q. And after two weeks you concluded that it did not pay, and so you left it?—A. Yes, sir.

Q. And went to Harrisburg?—A. Yes, sir.

Q. And there you remained till within a day before the election?—A. Yes, sir.

Q. And then you came over here to vote?—A. I did not come here to vote. I came home here, and I inquired if I could vote, and they said yes, and I voted.

Q. How long had you been in Pottsville at any one time within a year before the election; how long continuously here?—A. I do not know. I was here from a week to three or four months may be, more or less.

Q. When was that?—A. That was within a year before the election.

Q. I mean continuously—that you came here and staid here without going away—how long a time?—A. I used to come here, and I might stay here a week, and I might stay here a month or two months.

Q. You can give us a more definite answer than that, can you not?—A. No, sir; because I am coming and going always, and I did not expect this or I might have paid more attention to the time.

Q. From Philadelphia you went to Harrisburg?—A. I would not say that. I either came from Philadelphia to Pottsville and then to Harrisburg, or to Harrisburg directly; I do not know. I have been traveling all over the State.

Q. You had no permanent home, unless Pottsville was your home, on account of your being raised here?—A. Yes; when I was out of work I would come back to Pottsville because it was my home; but if my home was in Philadelphia, I would be going there instead of Pottsville.

Q. You have been notified to produce your tax-receipts; have you them with you?—A. No, sir; I never paid any tax.

Q. How old are you?—A. I am twenty-four.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Did you pay a tax in Philadelphia?—A. That there is what I cannot say. I got some paper there, but I do not remember whether I voted on age or whether I paid a tax. I think it was a fifty-cent tax—a poll-tax; fifty cents, I believe, is what it was.

Q. Where is that paper?—A. I cannot find it, although I looked for it.

Q. The reason you had doubts about your vote was because you had not paid any tax but the poll-tax?—A. Yes, sir.

Q. Can you tell for what that poll-tax was?—A. No, sir; I cannot say, but I think it was for 1875, or thereabouts.

Q. Was it within two years of the last November election?—A. Yes, sir; I think it was.

Q. You were born in Pottsville?—A. Yes, sir.

Q. And raised here?—A. Yes, sir.

Q. How long was the longest time that you lived away from here at any one place?—A. The longest time was about seven months; when I was in Jersey.

Q. When was that?—A. I cannot say exactly. I think it is somewhere around 1873 or 1874, and I stopped in Pittsburgh; that was prior to that by three years, I suppose.

Q. How long did you stay in Philadelphia?—A. I was off and on there; the longest time in Philadelphia was about five or six months.

Q. You were there during the Centennial?—A. Yes, sir.

Q. And you got out of work there at what time last summer?—A. I do not remember exactly what time it was last summer, but I know the

Centennial was going on. I think it was in August, 1876, I left Philadelphia.

Q. If you left there in August did you get to Pottsville in August?—A. No; I did not go right to Pottsville. I stayed in Philadelphia for awhile after getting out of work, and I was down at Chester for awhile, and then I came up.

Q. When did you get to Pottsville?—A. I suppose it was two or three weeks after getting out of work in Philadelphia.

Q. Did you go to Pottsville?—A. I cannot say if I came to Pottsville or Harrisburg, or whether I came here and then to Harrisburg.

Q. Did you get to Pottsville two months prior to the election?—A. It was between six weeks and two months; I cannot say positively.

Q. When was it that you voted in Philadelphia?—A. It was at the general election in 1875, I think; I am not positive, though.

Q. Had you been to Pottsville since that time and prior to this?—A. Yes, sir.

Q. How long a time?—A. I had only been up on a visit and right away again; just up and back.

Q. When you came to Pottsville you left your trunk and things here?—A. Yes, sir.

Q. And claimed this as your home?—A. Yes, sir.

Q. You had expected to get work here?—A. I expected to get a place here.

Q. And open for yourself?—A. Yes, sir.

Q. Then this trip that you made to Sunbury was simply to look around to see if you could get a place?—A. Just to look around if I could get work or a place.

Q. What was your business?—A. A barber.

Q. And you landed in Sunbury and took a place on trial?—A. Yes, sir.

Q. You took a place upon the condition that if it was satisfactory to you, you would take it?—A. Yes, sir; if it would pay me I would take it.

Q. And at the end of two weeks you found that it was not satisfactory?—A. Yes, sir.

Q. What did you do then?—A. I went to Harrisburg.

Q. And worked there awhile?—A. Yes, sir.

Q. Did you go to Harrisburg with a view to settling there?—A. I went there to see if I could get work, and if I could get work I would have settled there. Harrisburg is not a place that I like, and I wanted to get a place outside of that; there was a place there, but they did not pay any kind of wages at all, and I thought as soon as I got another place I would leave there.

Q. And then the day before election you came home here?—A. Yes, sir.

Q. And you have been here ever since?—A. Yes, with the exception I suppose of a week or two since, but the rest of the time I have been here.

Redirect examination by Mr. Schalck:

Q. The poll-tax that you spoke of, do you know what kind of a tax that is?—A. No, sir; I just understood that it was a poll-tax—that is what they call it down there.

Q. Do you know whether it is a city or a county tax?—A. No, sir.

Q. Or whether it is a municipal tax of Philadelphia City?—A. I do not know that it was anything but a poll-tax.

Q. It was fifty cents?—A. Yes, sir.

Q. Did you pay that tax?—A. I could not say positively whether I did or not.

Q. When did you get that receipt?—A. I cannot say, but I got it before I voted; but if it was a receipt or not I could not say.

Q. It was a paper, but you do not know whether it was a receipt or what it was?—A. No, sir.

Q. Where is that paper?—A. I cannot find it, and that is the reason I was in doubt. It was before the election, and that is the reason I made inquiries whether I could vote or not.

Q. Where did you have it last?—A. After I voted I came home here and put it away somewhere, and I could not find it among the papers. I asked my stepfather, and he had it put on file and I could not find it.

Q. You voted at the last election, in 1876?—A. Yes, sir.

Q. You voted for Congressman?—A. I voted the whole ticket.

Q. At the general election in 1876?—A. Yes; I voted the whole ticket.

(Mr. Smith, on behalf of contestant, objected to the whole of the testimony, and particularly to that form of the questions, as leading.)

Q. State whether or not you voted for Congressman in November, 1876, at the last general election.—A. Yes; that is, between Reilly and Nutting—yes, sir; I did.

Q. Tell us, then, for whom you voted for Congress.

(Mr. Smith, on behalf of contestant, objected.)

A. I voted for Mr. Nutting.

SAM'L H. MILLER.

Sworn and subscribed before me this 7th day of March, 1876.

C. LITTLE,
Notary Public.

(Mr. Smith, on behalf of counsel for contestant, objects to the examination of witnesses at this time and place, for the reason that it does not appear that any notice has been given to contestant of the examination of any witness, at this time and place, on behalf of the incumbent; and also objects to the manner in which the testimony is being taken, to wit, in stenographic form, that neither the counsel nor witness can read.

Mr. Schalck, on behalf of incumbent, claims that as to any previous witness examined, counsel for contestant waived any objection on account of the non-production of the notice; and as to the witnesses hereafter to be called, the counsel for the incumbent now produces the notice to the contestant, with affidavit of service, made before the present commissioner.

Mr. Smith, on behalf of contestant, replies that he has waived no objections to the testimony in any form whatever, and he reserves the right to except, at any and all times, to the same.)

LEWIS QUIN, being duly sworn according to law, both depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you reside?—Answer. In Pottsville.

Q. In what ward?—A. Northwest ward.

Q. And you voted there at the last general election in November, 1876?—A. Yes, sir.

Q. You have been notified to produce your tax-receipts?—A. Yes, sir. [Producing receipts.] I have got a receipt here which my daughter took from Buckley, and was intended to pay for 1875, and he dated it back to 1872, and that is the only receipt I have, but was intended for 1875.

Q. You did not pay it yourself?—A. No, sir; she paid it in Kern's,

and she told him she wanted to pay for 1875, and he said it was for 1872, and she said that she wanted to pay for 1875, and he said "I will *give you* a receipt for 1875;" and he wrote this out, and dated it back *to 1872.*

Q. *Were* you present when this occurred?—A. No, sir.

Q. What you said here is simply what your daughter told you?—A. Yes, sir. I told her to pay for 1875.

Q. Was Mr. Buckley tax-collector in 1875?—A. Yes, sir.

Q. Are you sure?—A. I think he was; because Buckley's name is on there, and I suppose he was the man.

Q. Are you sure that John Buckley was the tax-collector for 1875?—A. I think he was.

Q. Do not you know that Thomas Kane was the tax-collector for that year?—A. I know that he was tax-collector, and Buckley was tax-collector, too.

Q. In 1875?—A. I think so.

Q. Buckley was tax-collector in 1872, was he not?—A. Not that I know of.

Q. You do not know for what year he was tax-collector?—A. I do not think he was tax collector for 1872.

Q. Do you know for what year Buckley was tax-collector?—A. I *think he* was for 1874 and 1875; I think so, to the best of my knowl*edge. I* know that he used to come to me for tax.

Q. *Have* you any other tax-receipt, or did you pay any other tax within two years before the election in November, 1875, except this one?—A. This is the only one. I have got them for 1869.

Q. But this is the only one you paid within two years prior to the November election?—A. Yes; but this was intended to pay the tax for 1875.

(Mr. Schalck, on behalf of incumbent, offers in evidence tax-receipt as follows:)

"POTTSVILLE, *May* 15, 1875.

"Received of Lewis Quin $\frac{75}{100}$ dollars, for the following tax for the year 1872: county tax, 75 ——; State tax, ——. Total, 75 ——.

"J. BUCKLEY, *Collector.*"

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Tell us when you sent your daughter to pay this tax.—A. There is a date on there [indicating receipt].

Q. On the 15th of May, 1875?—A. Yes, sir.

Q. You sent her to Mr. Buckley to pay the tax?—A. Yes, sir.

Q. For that year?—A. For 1875; yes.

Q. And she returned with this receipt?—A. Yes, sir.

Q. She told you that Mr. Buckley first offered her a receipt for 1872?—A. He wanted to give her a receipt for 1872, and she said "no," that she would not do that, but that she wanted to pay 1875; and he said that he would give her this receipt, and then dated it back.

Q. He told her he would give her one for 1875?—A. Yes, sir.

(Mr. Smith, on behalf of contestant, objected to all of the foregoing answers and everything relating to what his daughter reported to the witness as to what Buckley had said.)

Q. When did you discover that he had made that for 1872?—A. Not until I got the notice to appear here.

Q. You did not discover it till you got the notice to appear here at this examination?—A. No, sir.

Q. And then you looked up your tax-receipt and found that it was for 1872?—A. Yes, sir.

Q. Did you discover it yourself?—A. Yes, sir.

Q. Have you called upon Mr. Buckley about it?—A. No, sir.

Q. Mr. Buckley is still going around collecting taxes?—A. I do not know; I think he is.

Recross-examination by Mr. Schalck:

Q. For whom did you vote for Congress at the November election in 1876?

(Mr. Smith, on behalf of contestant, objected that the witness is not proven an illegal voter, and therefore cannot be asked to disclose for whom he voted for Congress.)

A. For Nutting.

LEWIS QUIN.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM COX, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

By Mr. Schalck:

Question. Did you vote at the last November election?—Answer. Yes, sir.

Q. Where did you vote?—A. In the middle ward of the borough of Pottsville.

Q. Where did you live at that time?—A. I was stopping in the watch-house in Pottsville.

Q. How long had you been there?—A. Somewhere about three months before election.

Q. Where had you been before you came to the watch-house?—A. I had been in the poor-house for a while.

Q. You had been in the poor-house for a long time?—A. I had been there a little over four months before I came up to the watch-house.

Q. What you mean by the watch-house is the station-house?—A. Yes; where they put any one in; the lock-up.

Q. That was the only home you had?—A. Yes, sir.

Q. You paid no rent there, did you?—A. No.

Q. How did you come to go to the watch-house?—A. My brother was stopping there before.

Q. And you went up there and stopped with him?—A. Yes, sir.

Q. You had no place of your own; you slept there like other people that were taken to the station-house?—A. I stayed along with Dan; he swept the rooms out, and I stayed with him.

Q. Then the only residence you had in Pottsville, and the only right you claimed to vote was because you stayed in the station-house?—A. I lived in Pottsville previous to my coming down to the poor-house, and I came back when I was able, and stayed in with my brother.

Q. Where did you live in Pottsville previous to your coming to the poor-house?—A. I lived here in Railroad street, in Mrs. McGowen's house.

Q. That is in a different ward?—A. Yes, sir.

Q. In the southeast ward?—A. I voted here. I do not know.

Q. It was at the other poll, at the American House, that you voted previously?—A. Yes, sir.

Q. The station-house has what accommodation?—A. There is a kind of lounge in the big room, where we slept.

Q. It is the same room where all the transient customers were put?—A. If any one comes there for a night's lodging, they put them in this room; but if they are arrested, when they are arrested they put them in the cells.

Q. You, too, were in the room where they all slept that came for a night's lodging?—A. Yes, sir.

Q. And that was your home?—A. Yes, sir.

Q. You have been notified to produce your tax-receipts; have you them here?—A. Dan said they were here. [Tax-receipts produced by counsel for contestant.]

Q. Who paid for that tax?—A. Why, I paid for it.

Q. Yourself?—A. Yes, sir.

Q. With your own money?—A. Yes, sir.

Q. To Mr. Base, the collector?—A. The man that gave me this receipt.

Q. And he signed it?—A. Yes, sir.

Q. Where did you pay it?—A. I do not recollect where it was—in the street here—I seen him in the street.

Q. Did he sign that paper while you were there?—A. Yes; as soon as I gave him the money, he gave me the receipt.

Q. Did he sign the receipt?—A. Yes, sir.

Q. How old are you?—A. I do not know exactly how old I am.

Q. About how many years, as near as you can tell?—A. Somewhere between thirty and forty.

Q. Cannot you come any nearer than that?—A. I do not recollect now. I came to this country under age.

Q. How old were you when you came to this country?—A. Between fifteen and sixteen years old.

Q. Where did you go to when you first came to this country?—A. To Onondaga County, in New York State.

Q. How long did you remain there?—A. I do not know. I remained there seven or eight years after I came to this country, and I have been in Pottsville seven or eight years.

Q. Is this your citizen's paper. [Indicating paper.]—A. Yes, sir.

Q. Do you remember how old you were when you took out your paper?—A. I do not know exactly; twenty-one or twenty-two years old, I guess.

Q. How long did you remain here in Pottsville after the election last fall?—A. I could not tell exactly. I went below to the poor-house.

Q. Was it not a week or so after the election that you went down to the poor-house again?—A. I could not tell you exactly how long it was. I was taken sick on the street, and they took me down.

Q. And you have been down at the poor-house ever since?—A. Yes, sir.

Q. And are there now?—A. Yes, sir.

Cross-examination, on behalf of contestant (reserving all exceptions and objections), by Mr. Smith:

Q. You are quite sick?—A. Yes, sir.

Q. And you have been sick nearly ever since the election?—A. Yes, sir.

Q. When you came to Pottsville you went to your brother Dan's—to where he was?—A. Yes, sir.

Q. He had charge of the watch-house?—A. Yes, sir.

Q. He was keeping it clean and taking care of it?—A. Yes, sir.

Q. And he slept there?—A. Yes, sir.
Q. And you went to stay with him?—A. Yes, sir.
Q. And you considered that your home?—A. Yes, sir.
Q. And you claimed that as your residence?—A. Yes, sir.
Q. Were you born in England?—A. Yes, sir.
Q. And since you came to America you became naturalized, and have citizen's papers now?—A. Yes, sir.

(Mr. Smith, on behalf of contestant, stated that witness produces papers issued by a court of record in the county of Onondaga, in the State of New York, dated 28th day of March, 1864, showing that the witness was admitted to citizenship on that day.)

Q. You have produced your tax-receipt?—A. Yes, sir.
Q. Can you recollect whether you paid that tax yourself, or whether somebody else paid it for you?—A. I paid it.
Q. You think you did?—A. Yes, I did. I paid taxes here in Pottsville to Ryland and Fasoldt.
Q. This tax for last October, in this receipt, did you pay that tax yourself?—A. I say I think I did.
Q. Are you certain that you did?—A. I do not know that I am sure of it. I can't keep anything in my mind.

(Mr. Smith, on behalf of contestant, produced the following tax-receipt, which was read:)

"POTTSVILLE, *October* 6, 1876.

"Received of William Cox, for county tax, for the year 1876, .83.

"A. R. BASE,
"*Collector.*"

Redirect examination by Mr. Schalck:

Q. You tell us that you considered the station-house as your home in November, 1876?—A. Yes, sir.
Q. Before then the poor-house was your home?—A. Yes, sir.
Q. And since the election the poor-house is your home again?—A. Yes, sir.
Q. Then the poor-house is just as much your home as the station-house was last fall?—A. Yes, sir.
Q. This tax-receipt that you have produced here do you remember when you got that—how long before the election?—A. I do not remember.
Q. Do not you know it was just a short time?—A. I could not say.

(Mr. Smith, on behalf of contestant, objected that the receipt shows for itself.)

Q. You came to the station-house because your brother Daniel was there, and it was through him that you remained there, and it was with him?—A. Yes, sir.
Q. You had no arrangement with any of the borough authorities to make that your home?—A. No, sir; no more than Dan was there, and spoke to the chief of police.
Q. Were you present when he spoke to the chief of police?—A. Yes, sir; if I could stay along in, and he said "yes."
Q. And asked him if they would allow you to remain there?—A. He told him I was his brother, and asked if I could stay along with him.
Q. Dan was an inmate of the station-house, like yourself?—A. He used to sweep out the room, and the chief of police used to let him stay there for the keeping of the room clean and the keeping of the fire up.
Q. For whom did you vote for Congress at the last election in November?

(Mr. Smith, on behalf of contestant, objected.)

A. I voted the Republican ticket. I never vote anything else but the Republican ticket since I am in the country.

Q. Colonel Nutting was the Republican candidate?—A. Yes, sir.

Q. Then you voted for him?—A. Yes, sir.

Q. Are you a man of family?—A. I have a wife and four children.

Q. Where are they?—A. Three of my oldest are here in the orphans' home, and my wife has got the youngest one with her.

Q. Where is she?—A. In Saint Clair, for all I know.

Q. How long has she been in Saint Clair?—A. She went there last fall, the latter part of the summer some time. She was working or keeping house, or whatever you call it, for a man named Coon, I think. He is a miner.

Q. She went there some time before the election?—A. Yes, sir; she went from the poor-house over there.

Q. She had been at the poor-house?—A. Yes, sir.

Q. And from there she went over to Saint Clair, to keep house for that man named Coon?—A. Yes, sir.

Q. The orphans' home is a charitable institution in Pottsville?—A. Yes, sir.

Recross-examination by Mr. Smith:

Q. You and your wife are not living together; she left you?—A. Not any more than I got into these fits here, and they took me down to the poor-house.

Q. When did you see her last?—A. I saw her along in the fall over at Saint Clair, when I went to see her; but the last I met her on the street here in Pottsville, between here and the depot, on Center street, going to see about her trunk.

Q. You have no right to go to Coon's house to stay there and live there?—A. No.

Q. She is keeping house for another man?—A. Yes; for a man by the name of Coon.

Q. She is there at wages?—A. Yes, sir.

Q. How long have you lived in the borough of Pottsville?—A. Somewhere about seven years.

Q. You used to work in the borough?—A. Yes, sir.

Q. Worked at day's wages?—A. Worked laying pipe in the street for the water company.

Q. And you worked until you were disabled by sickness?—A. Yes, sir.

Q. And you are only at the poor house when you are so sick you cannot work?—A. Yes, that is all.

Redirect examination by Mr. Schalck:

Q. As you understand it, you say that you cannot positively swear whether you paid this tax yourself, for which this receipt was given?—A. I cannot say positively, but I say I believe I did; I think I did. I know I paid taxes.

Q. Do you know what kind of money you paid when you paid this tax?—A. I could not say.

Q. If you paid it, have you any recollection what kind of money it was?—A. I could not say what kind of money it was.

Q. Do not you know that this tax was paid for you by other people, and that this receipt was only handed to you in time for the election, that you should vote on it?—A. No, sir; I do not know that; honestly, I do not.

Q. You do not know whether that is so or not?—A. I say I believe I paid it myself, but I am not positive.

Q. When did you earn your last wages?—A. The last regular work I did was some seven or eight months ago, or more than that, I guess; but then I used to have money when I was here in Pottsville last fall. I used to go to the woods and shoot birds and get money.

Q. You had no regular occupation, had you, last fall?—A. No, sir; I was not able to work.

Q. Then you were just knocking around, picking up odds and ends, and sleeping in the station-house?—A. I was sleeping in the station-house and getting my living the best way I could.

(Mr. Smith, on behalf of contestant, objected to the foregoing testimony, and especially to the manner in which the questions were asked.)

Recross-examination by Mr. Smith:

Q. You had no other home at the time you were with Dan at the station-house?—A. No, sir.

(Testimony read to witness.)

WILLIAM COX.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

LAFAYETTE BILLIG, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

By Mr. Schalck:

Question. Please state where you reside.—Answer. I do not know that I can tell you, in the borough, township, or where I live.

Q. Get it as near as you can.—A. Some say it is in East Norwegian Township.

Q. To the best of your knowledge and belief, is it in East Norwegian Township that you live?—A. Yes, sir.

Q. Did you vote at the last general election in 1876?—A. No, sir; I did not.

Q. Were you not at the polls at all to vote?—A. No, sir; I was not at the polls. I did not go near to the polls to vote.

Q. Is there any other Lafayette Billig residing where you live?—A. No, sir; not around me.

(No cross-examination.)

LAFAYETTE BILLIG.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

BENJAMIN WELLER, jr., being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

By Mr. Schalck:

Question. Tell us where you live.—Answer. In East Market street—at 577 East Market street.

Q. Since when did you live there?—A. I think 16th of last February a year I moved into that house.

Q. Did you vote at the last election?—A. No, sir; I did not.

Q. At the general election in November, 1876?—A. I did not.

Q. Is there any other Benjamin Weller, jr., besides yourself that you know of?—A. No, sir.

Q. None in town or near town?—A. Not that I know of.

Q. Or any other Benjamin Weller except you and your father?—A. That is all.

(No cross-examination.)

BENJ. WELLER, JR.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM WELLER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

By Mr. Schalck:

Question. Where do you live?—Answer. I live in Fishbach; on the 12th of September I moved there in Ball's Row.

Q. You had been living before that in the seventh ward at Pottsville?—A. Yes; in Nicholas street.

Q. And on the twelfth of September you moved here from the seventh ward up to Fishbach?—A. Yes, sir; and I had no right to vote there.

Q. And then you had no right to vote there?—A. No, sir; I was not long enough in the ward, as it required two months.

Q. Did you vote?—A. No, sir; my vote was challenged; Lawyer Nash challenged my vote.

(No cross-examination).

WILLIAM WELLER.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

BENJAMIN WELLER, sr., being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

By Mr. Schalck:

Question. Where do you live?—Answer. In the seventh ward.

Q. Of the borough of Pottsville?—A. Yes; as much as I know.

Q. Are you quite sure that you live in the seventh ward of the borough of Pottsville?—A. I am assessed there and vote there.

Q. Do you not know that you live in East Norwegian township?—A. No, sir; I do not.

Q. Whereabouts is it that you live?—A. Above the shoe-factory, on the Mill Creek road.

Q. How far above the shoe-factory?—A. It may be two hundred and fifty yards or something like that; I never measured it.

Q. That is on the road that leads from Pottsville past the shoe-factory into the East Norwegian township?—A. Yes; it is the Mill Creek road.

Q. Do you know where the line is between the borough and township?—A. Not particularly; some say it is above the house; I always saw the supervisor repairing the road above my house, the supervisor in Pottsville.

Q. You never examined and do not know whether, of your own knowledge, you are inside or outside of the line?—A. I do not know. In 1873 I moved from Port Carbon to Jalapa, and I lived in Jalapa a year, then I moved up on these lots and have been assessed in the borough ever since, and have paid my tax in the borough.

Q. When you moved from Jalapa to where you now live there was no change in your assessment?—A. No, sir.

Q. Who else lives right near where you do?—A. Well, there are those houses Dornan, Garret, and Wells built; there are only two families living in them.

Q. What families are they?—A. They just moved there a little while before election—Lynch and then Curry, he moved up from Jalapa into one of those houses there.

Q. Those three houses are right near each other?—A. Yes, sir.

Q. Are the houses toward Pottsville from you?—A. I am in the farthest house.

Q. Does Mr. Billig live near there?—A. They live higher up yet; perhaps 150 or 200 yards.

Q. Have you your tax-receipts with you?—A. Yes, sir (producing receipts); and I can bring them from 1836 until now.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You lived where you now live since 1874?—A. Since the spring of 1874; it was in April when I moved there.

Q. You then paid your tax and were assessed in the borough of Pottsville?—A. Yes, sir.

Q. In the seventh ward?—A. Yes, sir.

Q. You paid borough, county, and State tax?—A. Yes, sir; and school tax.

Q. And so in 1875 and 1876?—A. Yes, sir.

Q. Have you no children going to school?—A. Yes, sir; two or three sometimes, and they go to school in the borough of Pottsville. When I moved from Port Carbon, in 1873, I lived next to Jacob Bickerts, and then I bought these lots from P. W. Shafer and built on them.

Q. You own the lots and house where you live?—A. Yes, sir.

Q. This county tax of $6.15 for the year 1875 is upon the house and lot you live in?—A. Yes, sir.

Q. And so also the State and county tax, $6.95, on the same property?—A. Yes, sir.

Redirect examination by Mr. Schalck:

Q. Have you at any time been present when the borough lines was run or marked anywhere?—A. No, sir; I was not.

Q. Then you cannot swear positively whether you live within the borough line or outside of it?—A. I do not know, only that the supervisor always repairs the road above my house, but I do not know anything about the line. When I bought, I thought I was in the borough, and so I do yet.

Q. Have you got your deed with you?—A. No, sir.

Q. You bought in 1874?—A. I bought 1873, I think, of P. W. Shaffer, but I did not get my deed until 1874.

Q. I suppose your deed describes your property and describes where it is?—A. It says "Jalapa."

Q. Did you vote at the last November election in the seventh ward of Pottsville?—A. Yes, sir, I did; and I have got some of the tickets, and I will vote again if I have a chance.

Q. For whom did you vote for Congress in the last election in November?

(Mr Smith, on behalf of contestant, objected that, the witness being a legal voter, he cannot be asked to disclose for whom he voted).

A. I am not ashamed to tell; I voted for Nutting, and I can show you my ticket.

BENJAMIN WELLER.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

CHARLES SEAMAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

By Mr. Schalck:

Question. Where do you live?—Answer. In Laurel street, Pottsville.

Q. That is in the northwest ward of the borough of Pottsville?—A. Yes, sir.

Q. Did you vote at the last general election in 1876?—A. Yes, sir.

Q. How long have you lived there?—A. In the northwest ward? This spring a year I moved there.

Q. You were called upon to produce your tax-receipts?—A. Yes; I have them here. (Producing papers.)

Q. Did you pay these taxes yourself for which the receipts call?—A. I paid for them myself; yes, sir.

Q. Any one pay them for you?—A. No, sir.

Q. Did you receive those receipts at the time that you paid the taxes?—A. Yes, sir.

Q. That is, at the same time that they are dated?—A. Yes, sir.

Q. You are a native of this country?—A. Yes, sir.

(No cross-examination.)

C. H. SEAMAN.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

HENRY BEYERLE, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

By Mr. Schalck:

Question. State whether or not you voted at the last general election in November, 1876?—Answer. Yes, sir.

Q. Where did you vote?—A. In the south ward of the borough of Pottsville, at this poll.

Q. Where did you reside at that time?—A. In George street.

Q. That is in the northeast ward of the borough of Pottsville?—A. I do not know. That is in George street, anyhow. I do not know how the wards lay, but that is where I live—in George street, below the Port Carbon road.

Q. Do not you know that much about the divisions of this borough, whether it is in this ward that this hotel is in or whether it is in a different ward?—A. I do not, and I told you here before the same thing.

Q. How long had you resided there?—A. It was on Monday, five or six months.

Q. Last Monday it was five or six months that you lived in George street below the Port Carbon road, where you now reside?—A. Yes, sir.

Q. Then you had lived there two months before the election?—A. No, sir; I guess not.

Q. Somewhere about two months before the election?—A. Somewheres in the neighborhood; I could not tell exactly.

Q. Tell us for whom you voted for Congress at the general election in November, 1876.

(Mr. Smith, on behalf of contestant, objected that it is not the best evidence.)

A. I voted for Mr. Reilly.

(No cross-examination.)

HENRY BEYERLE.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

BENNEVILLE SCHAFFER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

By Mr. Schalck:

Question. Did you vote at the last general election in November, 1876?—Answer. Yes, sir.

Q. Where did you vote?—A. I voted in the northwest ward of the borough of Pottsville.

Q. Did you live in the northwest ward at the time of the election?—A. No, sir; I had moved out.

Q. You had lived in the northwest ward, and moved into the southeast ward?—A. I moved in the latter part of September; I think it was the 28th of September last.

Q. You had moved from the northwest ward into the southeast ward on the 28th of September?—A. Yes, sir.

Q. For whom did you vote for Congress at the election in November last?—A. I do not know. I had pasted tickets in my pocket and I could not tell. I could not tell whether I voted for Mr. Reilly or Nutting. We had pasted on our tickets, and I could not tell positively, for I never opened my ticket, and the others I just put into the fire.

Q. Do you remember whether you voted a pasted ticket?—A. I do not know. I had some in my pocket and I just got it out. There was a number on one of the tickets and they put that back, and I put my hand in my pocket and got another one, and I do not know whether it was a pasted one or not; I lit my pipe with some of them, and I could not tell which one it was I voted.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Do you know Henry Beyerle, the man who was just in here?

(Mr. Schalck, on behalf of incumbent, objected that it was not cross-examination.)

A. He lives up there somewhere. He was the man that gave me the tickets that were pasted upon.

Q. Did he give you a ticket?—A. Yes, sir; he gave me the tickets that were pasted upon, and I put them in my pocket along with the others I had, and I could not tell you which one I voted.

Q. That was the man that just went out?—A. Yes; he has a shop next door to me, and is a shoemaker.

BENNEVILLE SCHAFFER.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

Henry Beyerle, recalled on behalf of contestant, doth depose and say, in answer to interrogatories, as follows:

Cross-examination (reserving all exceptions and objections) by Mr. Smith:

Question. The poll or voting-place for the ward you live in now is on Railroad street. at Christian's?—Answer. I do not know; there was one there I believe, but I do not know whether I did go there or not; the way I came down here, I never voted in any other ward but this here.

Q. On which side of the Port Carbon road do you live?—A. I live in George street, and it starts from the Port Carbon road.

Q. You resided almost east from Christian's, where that polling-place is?—A. I guess it is.

Q. You came and voted at the polling-place in the south ward at the Merchants' Hotel?—A. Yes, sir.

Q. And in doing so you had almost to pass the voting-place in the other ward?—A. I did not pass it at all.

Q. If you came down the Port Carbon road you came within one square of it, did you not?—A. A little over a square, I guess.

Redirect examination by M. Schalck:

Q. Did the ticket that you voted have Mr. Reilly's name regularly on it, or was it a pasted ticket?—A. It was a pasted ticket.

Q. And you saw Mr. Rielly's name pasted on?—A. Yes, sir.

Q. Securely pasted so as to stick to it?—A. Yes, sir; I think so.

Q. You think that you had pasted it on so well that it would be counted for Mr. Reilly afterwards?—A. Yes, sir.

Recross-examination by Mr. Smith.

Q. If George street is in the northeast ward, then you live in the north east ward?—A. Yes, sir.

Q. You live near to East Norwegian street?—A. Yes; right down half a square.

Q. Norwegian street is half a square south of your house?—A. Yes, sir.

Q. And the Merchants' Hotel is south of Norwegian street?—A. Yes, sir.

HENRY BEYERLE.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM ADCOCK, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

By Mr. Schalck:

Question. Where do you live?—Answer. In the upper end of Minersville street, in one of the back streets.

Q. What ward is that in?—A. It is in the ward in which the old Eagle Tavern is.

Q. In the northwest ward of the borough of Pottsville?—A. Yes, sir.

Q. Did you vote there at the last general election, in November, 1876?—A. No, sir.

Q. At the general election in November, 1876?—A. No, sir.

Q. You did not vote last year at all?—A. No, sir.

Q. Nowhere?—A. No, sir.

Q. Is there no other William Adcock in the northwest ward?—A. No sir.

Q. You were notified to produce your tax-receipts; have you them with you?

(Mr. Smith, on behalf of contestant, objected that it is immaterial, the witness not having voted.)

A. I have got a tax-receipt for 1876. (Producing tax-receipt.)

Q. This is your tax-receipt for the year 1876?—A. Yes, sir; that is the one I got.

(Mr. Schalck, on behalf of incumbent, offered tax-receipt in evidence, as follows:)

"POTTSVILLE, *November* 7, 1876.

"Received of William Adcock eighty-three cents for county tax for 1876.

"A. K. BACE, *Collector*,
"Per E. FASOLDT."

Q. Do you remember where this receipt was paid?—A. No, sir.

Q. Did you pay for it?—A. No, sir.

Q. You did not pay for it yourself?—A. No, sir.

Q. Do you know who did pay for it?—A. No, sir.

Q. Who gave it to you?—A. Fasoldt.

Q. When?—A. On the day of the election.

Q. How did Fasoldt come to give you this receipt?—A. I went to the election and I could not vote because my tax was not paid, and I went up to Fasoldt's to see if my tax was paid.

Q. And you got this receipt?—A. Yes, sir.

Q. Did you pay for it?—A. No, sir.

Q. Do you know who did?—A. No, sir; I do not know whether anybody did or not.

Q. What did you do with it then?—A. I put it in my pocket and came down to the election again.

Q. Down to the poll where the election was?—A. Yes, sir.

Q. What did you do then?—A. I tried to vote, and they challenged my vote again and would not let me vote.

Q. Was that the last of it, or did you vote afterwards?—A. No; I did not bother any more about it.

Q. You cannot tell how Fasoldt came to give you this receipt if you did not pay for it?—A. I do not know how it was; I did not pay for it.

Q. Who sent you up to Fasoldt?—A. I think it was Eichorn's son; he told me go up to Fasoldt and see if the taxes were paid.

Cross-examination, on behalf of contestant (reserving all exceptions and objections), by Mr. Smith:

Q. Did Fasoldt say anything to you why he gave you this receipt?—A. I do not recollect what was said.

Q. What did he say about your voting?—A. He told me he would give me a receipt.

Q. So that you could go and vote?—A. He gave me the receipt, and I do not know what was said about voting.

Q. Tell us what he said; did he tell you that you could vote on it?—A. I do not recollect whether he did or not.

Q. Who went with you to Fasoldt?—A. One of the Seitsingers; I think it was Frank.

Q. Where was Fasoldt?—A. Up in his house.

Q. Where does he live?—A. At the upper end of Market street—he did then.

Q. You saw no money paid to Fasoldt for this?—A. No, sir.

Q. None was paid when you were present?—A. No, sir; I was not inside. I asked him for the receipt, and he walked back and brought out this receipt and gave it to me.

Redirect examination by Mr. Schalck:

Q. When you came back to the poll you offered to vote?—A. I was told when I came back Jim McGurl had my receipt, and he said "yes," and if I would go and vote he would give me a full ticket, and on the head I voted this ticket, I was to have this receipt, and then he changed his opinion; some of the other party had got me posted and he denied it again, and he said, "His taxes are not paid," and then he stopped me, and I could not vote at all.

Q. You had a ticket in your hand?—A. Yes, sir.

Q. And put it into the window?—A. Yes, sir.

Q. Who did you give it to?—A. That was the first ticket, but I do not recollect of them taking a second ticket from me, for he objected right away, and I got back from the window again.

Q. The first ticket they handed in, what becomme of that?—A. I do not recollect whether I got it any more or not.

Q. Or whether they kept it inside?—A. No, sir.

Q. Or whether they put it into the box?—A. I did not say they put it into the box.

Q. You do not know what they did with it?—A. No, sir; I do not recollect of getting it back or anything else.

Q. And the second time you had this ticket, and before you got to the window to put it in, he objected?—A. No; I was up at the window and had a ticket in my hand, and I hollered my name; and there was some fellows that stood below there, and they objected to it or challenged it; and as soon as they said that McGurl said, "He cannot vote; his taxes are not paid."

Q. What did you do with the ticket?—A. I walked away, and took the ticket away, and stuck it into my waistcoat pocket; but I do not know what became of the first ticket at all.

Recross examination by Mr. Smith:

Q. Tell us the whole story. When you came to the polls you met McGurl?—A. Not right away.

Q. But before you attempted to vote you met McGurl?—A. I had seen him.

Q. What is his first name?—A. I always called him "Jim."

Q. Did he come to you or tell you he had your receipt, or how did you find it out?—A. I do not know; there were some other fellows told me that he had it; I do not recollect fairly how it was, and I asked him, and he said "yes."

Q. Did you ask him for the receipt?—A. Yes; and he said he would give me the receipt when I put in his ticket, and he gave me a ticket.

Q. And he said he would give you the receipt if you would put in that ticket?—A. Yes; and I went up to the window, and they challenged my vote, and as soon as they had done that he told them I had not paid my taxes.

Q. Was he about that polling-place that day a good deal?—A. I seen him there two or three times, back and forwards.

Q. You went up to Fasoldt's to get the receipts for the taxes that had been paid?—A. Yes; I went up to see if my taxes were paid, and that was what I was sent there for.

Q. And to get another receipt for it?—A. Yes, sir; so I could vote; that was my intention.

Q. Mr. McGurl, had told you that your tax was paid, and that he had your receipt before that?—A. Yes, that was before that.

A. And then when he would not give you the receipt then you went

to Fasoldt to get another receipt?—A. Yes, that was my intention to see if the tax was paid and to get another receipt.

Q. And then Fasoldt went back into the house and afterwards came out and gave you this receipt?—A. Yes, sir; and then I came on down again.

Q. And you understood that it was a receipt for the money that had been paid him?—A. I do not know which way I took that; I thought it was all right that I could vote when I got that receipt. That was my calculation.

Q. You understood when you went there that your taxes were paid and you were going to get a receipt for them because the other one was not given to you?—A. No, they told me to go up and see if my tax was paid.

Q. And you found they were paid and he gave you this receipt?—A. I do not know whether they were paid or not, but he went in and got this receipt and brought it out.

Redirect examination by Mr. Schalck:

Q. Did you pay any State or county tax yourself within two years of the November election?—A. Not to my recollection, I did not.

Q. How long have you lived in the northwest ward?—A. I have lived there over a year I think.

Q. Where did you live previously?—A. I moved down here out of Michael Sharp's house.

Q. That is in the south ward?—A. Yes; down here below, from Atkins there.

Q. When did you move?—A. I do not know rightly when I moved; according to the receipts I have for the rent I paid it is about a year; it might be more or less.

Q. Have you those receipts with you?—A. No; no rent-receipts; I have not.

Q. What time of the year did you move?—A. It was after the winter was over and in the spring.

Q. Did you go up there with your family?—A. Yes, sir; I moved up there with my family.

Q. And lived there with them?—A. Yes, sir; and lived there ever since.

his
WILLIAM + ADCOCK.
mark.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

Examination adjourned at one o'clock until half past two p. m.

WEDNESDAY *March* 7, 1877.

Afternoon session. Examination resumed at 2.30 p. m. Counsel for respective parties present.

EMANUEL EICHORN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck.

Q. Where do you live?—A. In Minersville road.

Q. That is in the northwest ward in Pottsville?—A. Yes, sir.

Q. Did you vote there at the election last November?—A. Yes, sir.

Q. Have you your tax-receipts with you?—A. I dropped my tax-receipt, and I can prove it.

Q. What did you mean by dropping?—A. I paid my tax, and I lost it.
Q. Did you lose your tax-receipt, or what became of it?—A. Yes, I lost it; that is, the last tax, Kneutzler's county tax.
Q. Did you pay the tax to Kneutzler?—A. Yes, sir.
Q. When?—A. It was six months before election.
Q. Did he give you a receipt for it?—A. Yes, sir.
Q. When did you lose your receipt?—A. I dropped it moving, and I cannot find it.
Q. When was it?—A. I moved away from one house to another last July and I lost it.
Q. And you have not seen your tax-receipt since then?—A. No, sir; I have looked for it since then, but I could not find it.
Q. Did you pay it to Kneutzler himself?—A. Yes, up at Grassley's hotel.
Q. Had you any other tax-receipt?—A. Yes, I have another tax-receipt that Lewis Harris has paid to Mr. Buckley.
Q. When did Lewis Harris get that receipt?—A. I had the receipt in my possession.
Q. Lewis Harris paid this receipt for you?—A. Yes, with my own money.
Q. Did you give him the money to pay the tax?—A. Yes; Lewis Harris owed me so much in regular business—he paid it out of that.
Q. Did he keep the tax-receipt?—A. Yes, sir.
Q. When was it?—A. In July; two years ago.
Q. Last July or the year before?—A. The year before.
Q. You never got that receipt, did you?—A. I looked for that receipt, but I could not find it.
Q. Did Harris look for the receipt?—A. Yes, sir.
Q. Did he give it to you?—A. No, sir; he could not find it.
Q. Have you got your citizen's papers with you?—A. Yes, sir.

EMANEL EICHORN.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

(Mr. Smith, on behalf of contestant, objected to the examination of witnesses who reside in the borough of Pottsville and in the borough of Saint Clair, for the reason that the wards in which the witnesses reside are not given in the notice served by the incumbent upon the contestant; that the borough of Pottsville is divided into seven wards and the borough of Saint Clair into three, and in no instance is the residence of the witness given.)

GEORGE JOHNSON, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you live?—Answer. I live in the Minersville road-
Q. That is in the northwest ward of the borough of Pottsville?—A. Yes, sir.
Q. Did you vote there at the last November election?—A. I did.
Q. Were you notified to produce your tax-receipts? Have you them here?—A. Yes, sir (producing paper); I have only that one; I have lost my others. I have got the one for 1875 here, and I have lost the other ones.
Q. Is that the last receipt you have?—A. Yes; that is the last one I have. I had one of Buckley's receipts when he was collecting taxes.

Q. Did you pay this in 1875?—A. Yes, sir.
Q. Pay it yourself?—A. I did, sir.
Q. Who did you pay it to?—A. To Jacob Kneutztler.
Q. This receipt is to J. W. Johnson; that is not your name?—A. The W is not my name; my middle name is A. I do not know how they got that in.
Q. But it is your receipt, and you paid it?—A. Yes; I paid it, and got that receipt myself.
No cross-examination.

GEORGE JOHNSON.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

AUGUSTUS GALLOWAY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you live?—Answer. In the Minersville road.
Q. That is in the northwest ward of Pottsville?—A. Yes, sir.
Q. Did you vote at the last November election?—A. No, sir.
Q. You did not?—A. No, sir.
Q. Did not vote at all?—A. I did not vote any. The first I voted was for Hartranft, in 1875.
Q. And you did not vote since?—A. No, sir; I did not vote since.
Q. You do not know whether anybody voted in your name?—A. No, sir.
Q. Is there any other Augustus Galloway?—A. No, sir.
Q. You were notified to produce your tax-receipts; have you them with you?—A. No, sir; I have none. I was not assessed until this year.
Q. This is the first year you were assessed?—A. Yes, sir.
Q. Then you paid no State or county taxes before the November election?—A. No, sir.
Q. How long have you been living in that ward?—A. I have been living here twenty-three years, but not in that ward.
Q. How long were you in that ward?—A. About five or six years.
Q. How old are you?
(Mr. Smith, on behalf of contestant, objected.)
A. Twenty-three years old last July.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Did you pay your tax here lately?—A. No, sir; I was only assessed this year.

his
AUGUSTUS + GALLOWAY.
mark.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

JOHN OWENS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you live?—Answer. In the north ward of the borough of Pottsville.

Q. Were you there at the poll of the north ward on the day of election?—A. I was.

Q. When did you go there to the poll?—A. Between seven and eight o'clock in the morning.

Q. How long did you remain there?—A. Upwards of ten or eleven o'clock in the evening.

Q. You stayed there all day?—A. Yes, sir.

Q. You stayed at the polls and took an active interest as the voting was going on?—A. Yes, sir.

Q. How many tax-receipts did you give out that day?—A. I could not tell you rightly how many I gave out now; maybe six or seven; it might be more or less, so far as I can say now.

Q. Where did you get these tax-receipts?—A. I got them from Mr. Bace.

Q. The tax-collector?—A. Yes, sir.

Q. When did you get them?—A. I got them on the Saturday thirty days prior to the election.

Q. Who paid for them?—A. I paid for them.

Q. Yourself?—A. Yes, sir; I paid for them myself.

Q. Were you there alone or was there anybody with you?—A. There was another person with me.

Q. Who was with you?—A. Thomas Vaughan.

Q. How did you come to pay these taxes?

(Mr. Smith, on behalf of contestant, objected to it as immaterial what induced the witness to pay these taxes.)

A. I found out there were so many voters in our ward that had not paid their taxes and complained of being too poor to pay them themselves, and that is how I came to pay them.

Q. You were going to pay them yourself because they were too poor to pay them for themselves?—A. Yes, sir.

Q. Did they come to you and ask you to pay their taxes because they were too poor to pay them for themselves?—A. No; they did not personally.

Q. Who did?—A. Well, nobody did personally.

Q. How did you know then that they were too poor to pay their taxes?—A. I saw their names on the assessor's duplicate as not having paid for 1874 or 1875.

Q. You first went over the duplicate to see what citizens in your ward had paid their taxes, and you found their names as not having paid their taxes?—A. Yes, sir.

Q. And then you paid them?—A. Yes, sir; I paid them.

Q. Voluntarily and without any request on their part?—A. Yes, sir.

Q. And you kept the tax-receipts until the day of the election?—A. I did not—not all; maybe I had one or two that I had not seen the different parties that they belonged to. I believe I had three on the day of the election that I had not seen the parties; and the others I had given out within a day or two after I received them.

Q. You went to the parties and gave them their receipts?—A. Yes, sir.

Q. And these two or three that you held until the day of election were parties you had not seen?—A. Yes, sir.

Q. And you saw them when they came there to vote?—A. Yes, sir.

Q. And gave them their receipts?—A. Yes, sir.

Q. Who were these people; give us the names of all these people for whom you paid taxes?

(Mr. Smith, on behalf of contestant, objected.)

A. I do not say that I could give the exact names now: Thomas Morgan, John Llewelyn, Charles J. Smith, Charles Frizell, John Weiss. I think that is all I can remember now.

Q. How many were there?—A. Six or seven; I could not exactly say.

Q. You have given us five, and there were some others whom you do not remember now?—A. No, sir.

Q. All those were parties who had not paid their taxes for two years before that time?—A. Yes, sir.

Q. And so you paid their taxes to secure their votes?—A. I do not know whether it was to secure their votes, but it was paying their taxes so that they could vote if they wished to vote.

Q. You paid their taxes so as to enable them to vote?—A. So they had a right to vote if they wished to vote.

Q. Did they all vote?—A. They did so far as I know; I could not rightly tell whether they did or not.

Q. Who got you to pay these taxes?—A. Nobody in particular, as I know of.

Q. Was it entirely voluntary and of your own notion, or did any one speak to you about it?—A. There was a party asked me to look after our ward and see how they were.

Q. Who was that party?—A. Mr. Chambers, chairman of the county committee.

Q. How much did you pay for those taxes?—A. I could not exactly say. Some I paid eighty-three cents, and for some, perhaps, one dollar or one dollar and twenty-five cents; I could not say exactly now.

Q. Do you remember how much it was altogether?—A. No, sir.

Q. Did you pay that out of your own pocket and of your own money?—A. No; I did not pay it out of my own pocket. I did pay it out of my own pocket when I paid the tax-collector.

Q. Was it your own money?—A. It was my own money to do what I wished to do with it.

Q. Who gave you the money to pay these taxes with?—A. I received the money from Mr. Chambers.

Q. The chairman of the Republican county committee?—A. Yes, sir.

Q. Do you remember how much he gave you?—A. No, sir; I do not.

Q. Was it enough or more than enough to pay these taxes?—A. No, sir; it was the exact figure, whatever it was.

Q. When you found the number of names that was short, you went to him and gave the exact figures, and he gave you the amount of money that your figures called for?—A. Yes, sir.

Q. Do you know when that was?—A. It was on the last day the tax was to be paid; I forget the day rightly, but it was on Saturday, I know, about thirty days prior to the election.

Q. Which of these five was it you gave the tax-receipt to on the day of the election? You have given us five names.—A. John Llewelyn is the only one I can remember that I gave it to on the day of election.

Q. State whether you gave any of the others on the day of election their tax-receipts.—A. I do not remember, but there was two or three tax-receipts on the day of election, but I do not remember which they belonged to, but John Llewelyn I know I gave to.

Q. These people you gave to on the day of election came there and got tax-receipts. Were they challenged before you gave them their tax-receipts?—A. I do not know anything about that. I gave them their papers before they went to the polls at all.

Q. These taxes you paid on the last day for paying taxes, and you did not give out any of these on that day?—A. I think I did three of them.

Q. On that Saturday evening?—A. Yes, sir.

Q. Whose were they?—A. Thomas Morgan, Charles J. Smith, and John Frizell.

Q. And the other two you gave out afterward?—A. Yes, sir.

Q. Were there any other moneys that you used in connection with this election?—A. No.

Q. That you used or that came through your hands in connection with the election?—A. I was paid for my day's wages being at the poll, and that is all I know.

Q. Who paid you for that?—A. I received the money from Mr. Chambers, the chairman of the Republican county committee.

Q. How much was that?—A. I received two dollars or two dollars and twenty-five cents, I think.

Q. Was that all you received?—A. Well, no; I received more than that. There were two more men with me, and they had the same portion I received—the two dollars or two dollars and twenty-five cents.

Q. They were paid the same as you?—A. Yes, sir.

Q. Were they paid by Chambers?—A. No, sir.

Q. Who were they paid by?—A. By me.

Q. Mr. Chambers had given you the money to pay them?—A. Yes, sir.

Q. Who were these two other men?—A. Richard Reese and Henry Buckley.

Q. How much did Chambers give you altogether?—A. Somewhere in the neighborhood of eight dollars, I believe.

Q. You mean eight dollars altogether for you and the other men standing at the polls and for taxes?—A. No, sir.

Q. The money for the taxes was separate?—A. Yes, sir.

Q. Who got you to come to Mr. Chambers for the money?—A. Nobody got me to come there. I went there of my own accord.

Q. Who got you to go to Mr. Chambers either for the money or for the taxes?—A. I went there for the taxes after I found out the number of the taxes I wanted and the amount I wanted, and I went there and received that, and I went there and got the other eight dollars or whatever it was.

Q. Do you know of any other money that came into your ward?—A. No, sir; I do not know anything at all about any except what I got myself.

Q. And you were a member of the standing committee of the Republican party?—A. I was appointed as a member; as a committee to look after the register of the Republican vote in our ward.

Q. You were not a regular member of the committee?—A. No, sir; I was not on the standing committee.

Q. And all you know about money or the use of money in connection with the last election you have told us?—A. Yes, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Where did you find Mr. Ball when you paid taxes?—A. In his shop, in Center street.

Q. He made no objections to your paying taxes for other people?—A. No, sir.

Q. He gave you the receipts there and then?—A. Yes, sir.

Q. You paid it on the Saturday which was a month before the election?—A. Yes, sir.

Q. Did you ask Mr. Bace to take your note for the taxes?—A. No, sir.

Q. He did not agree to take your note for the taxes?—A. No, sir.

Q. Did you give him a check for the taxes upon the bank?—A. No, sir; I paid him in United States currency.

Q. You got no credit with Mr. Bace?—A. No, sir; I did not.

Q. Mr. Bace was the tax-collector for the county tax for the borough of Pottsville?—A. Yes, sir; he has got some one else collecting for him, but I paid it to him.

Q. Were both political parties in the habit of paying taxes for persons who were too poor to pay them themselves?—A. Yes, sir.

Q. The Democrats did the same thing in your ward?—A. I saw a bigger roll of tax-receipts in the Democrats' hands than I had—ten to one; that was the day of the election.

Q. Did you see the tax-receipts given out on the day of election by the Democrats?—A. Yes, sir.

Q. At your poll in the north ward?—A. Yes, sir.

Q. Who had charge of them?—A. Richard Nash.

Q. He is a brother of John Nash, the lawyer?—A. Yes, sir.

Q. He is a partner of James B. Reilly?—A. I believe so.

Redirect examination by Mr. Schalck:

Q. Those people for whom you got these tax-receipts were Republicans?—A. I suppose they were; they could use their own discretion which way they voted, so far as I am concerned; I did not force them to vote either one way or the other.

Q. Were they not expected as Republicans to vote the Republican ticket?—A. They always had voted as Repnblicans before that.

Q. And it was expected of them to vote the Republican ticket?—A. Yes, sir.

Q. You would not have paid the tax for a man who would vote the Democratic ticket?—A. Not very likely.

Q. Do you know how these people voted whose taxes you paid?—A. I gave some tickets and some got tickets from others; I do not know whether they voted the ticket I gave them or not.

Q. The ticket you gave out was a straight Republican ticket?—A. It certainly was.

Q. Was there anybody else in that ward that attended to paying taxes and giving out tax-receipts besides yourself?—A. I have told you about one. Mr. Vaughan was along with me when I paid for the tax-receipts.

Q. Did he pay for any or distribute any?—A. No, sir.

Q. Was there anybody else in your ward that attended to it?—A. Not on the Republican ticket.

Q. What is your occupation?—A. I am working at the heating-furnace of the Pottsville rolling-mill.

Q. What are your wages?

(Mr. Smith, on behalf of contestant, objected.)

A. More than I received to-day coming down here.

Q. Do you object to tell what your wages are?—A. If Mr. Smith objects I will say nothing. I will leave Mr. Schalck in the lurch this time.

Q. You received $2.25 for standing at that poll?—A. Yes, sir; about that—$2, or $2.25—I could not say.

Q. That money you kept yourself, or spent it?—A. It is spent now.

Q. How did you spend it, for election purposes on the day of election?—A. No, sir.

Q. You kept it as compensation for your being there?—A. Yes, sir.

Q. You voted for Congressman at that election?

(Mr. Smith, on behalf of contestant, objected.)

A. I did, sir.
Q. For whom did you vote for Congress at the last November election?
(Mr. Smith, on behalf of contestant, objected.)
A. I have no objection to answering. I voted for Mr. Nutting.

JOHN E. OWENS.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

HENRY H. HILL, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Do you reside in the northeast ward of the borough of Pottsville?—Answer. Yes, sir.

Q. Were you at the poll on the day of election last November?—A. Yes, sir.

Q. And took a lively interest in the election being held that day?—A. Yes, sir.

Q. How many tax-receipts did you have with you when you went to the polls?—A. One that I remember of.

Q. That you gave out that day to the party?—A. Yes, sir.

Q. Who was the person whose tax-receipt that was?—A. His name was Cook, from Washington. He is employed by the government in Washington.

Q. Who gave you this receipt?—A. I got it from Mr. Base on the evening of the 7th of October.

Q. Who paid for it?—A. I did; that is, I paid with the money that I got to pay the taxes.

Q. You paid taxes for a number of people at that time?—A. Yes, sir.

Q. Can you tell us who they were?—A. I do not remember; I did not tax my mind with it; I did not pay any attention, for I gave them their tax-receipts.

Q. Have you any way by which you can tell, or any memorandum?—A. I don't know; there might be something around the office, but I did not look.

Q. How many were there?—A. That I could not say positively; quite a number.

Q. Can you approximate to it?—A. There might have been perhaps ten or may be more; I do not remember.

Q. Were they all people that lived in the northeast ward?—A. That I could not say positively.

Q. Do you remember how much money you paid?—A. I think it was in the neighborhood of thirty dollars.

Q. Whose money was that?—A. I do not know whose it was.

Q. Who gave it to you?—A. Mr. Chambers.

Q. Can you give us any names of parties for whom you paid taxes?—A. Yes, sir. I paid taxes for my own brother, Augustus Hill; I paid one for a man by the name of Kirke that did not come around and get his tax-receipt, and I have that still; I paid one for George Bell and Alfred Cheney.

Q. How did you come to go to Mr. Base and pay these taxes?—A. I suppose I had to go to him because I did not know where else to pay them.

Q. He was the collector?—A. Yes, sir. I went there to pay the taxes, and that is all I know; I could not pay them anywhere else.

Q. Was it Mr. Chambers who got you to do that?—A. No, sir; he

did not get me to do anything of that kind. Mr. E. E. Reed spoke to me—in fact there was nothing said about the taxes at all, and the parties came there and said if I would see about getting them paid; the parties themselves.

Q. It was Mr. Chambers who gave you the money to pay these taxes with?—A. Yes, sir.

Q. Mr. Chambers was the chairman of the Republican standing committee?—A. I suppose so, as far as I know.

Q. Was he the only one who gave you money to pay taxes?—A. Yes, sir.

Q. What other money do you know of having been used in connection with the last election?—A. I did not see any money passing from any one's hand into any person's hands in the ward; if there was any money passing there I saw nothing of it.

Q. In or out of the ward?—A. I know five dollars I got.

Q. For your trouble?—A. No, not for election-day.

Cross-examination on behalf of contestant (reserving all exceptions and objections, and objecting to all the foregoing testimony) by Mr. Smith:

Q. Where did you meet Mr. Bace when you paid these taxes?—A. In his place of business on Centre street.

Q. Did you give him your note for the payment of these taxes?—A. No, sir.

Q. Did you give him your check?—A. No, sir.

Q. Did he offer to take your note at thirty or sixty days?—A. No, sir.

Q. You paid him in money?—A. Yes, in cash.

Q. Did you see anybody else pay taxes there?—A. I do not remember of seeing anybody pass any money to my knowledge.

Q. Did you see any persons getting receipts there?—A. No, sir; not that I remember of.

Q. Did you see anybody call there and ask for a bill of taxes?—A. Yes, sir.

Q. Who was that?—A. Mr. Schalck; it was between eleven and twelve o'clock.

Q. On Saturday night thirty days before the election?—A. Yes, sir.

Q. Was the list furnished?—A. That I could not say; the conversation I don't remember. Mr. Schalck came in and he asked Mr. Bace whether he had the tax-receipts.

(Mr. Schalck, on behalf of the incumbent, objected that it is not cross-examination.)

A. (Witness continuing.) I was in there between the hours of eleven and twelve, and Mr. Schalck came in, and I heard him ask Mr. Bace, but I did not pay any particular attention, if he had the tax-receipts ready, or something to that effect; I don't know the words that passed between them.

Q. What was the reply?—A. He said—I do not remember whether he said he would get them ready on Sunday or get them ready on Monday.

Q. You saw no money pass over for any tax-receipts?—A. No, sir; I did not pay any attention to what going on there.

Q. And you saw no list?—A. No, sir.

Q. He simply asked whether the tax-receipts were ready, and the reply was that they would be ready by Sunday or Monday?—A. Yes, sir; that he would get them ready Sunday or Monday; I do not remember which now.

Q. Do you know the amount?—A. No, sir.

Q. These taxes that you paid were for parties who, it was alleged and it was represented, could not pay their taxes?—A. The way I got at that, they came around there to see me, a lot of them, and asked me if I could not get their taxes paid, that they were too poor to pay, and in fact I had about three times as many more on the list of men who said that they could not pay their tax, and I took the names down and said that I would do all I could for them.

Q. And you did in that way pay the taxes you did pay and got the receipts?—A. Yes, sir.

Q. You did not ask them to vote the Republican ticket?—A. I never asked them anything.

Q. Because the taxes were paid?—A. Never asked them anything how they were going to vote, or anything about it.

Q. And you delivered no tax-receipts upon any such conditions?—A. No, sir; I did not even speak to any of them, as I remember of.

Q. They were most of them parties that you knew?—A. Parties that I was acquainted with.

Redirect examination by Mr. Nash:

Q. The parties whose taxes you paid were Republicans, were they not?—A. I could not swear to that.

Q. They were so considered, or as people who voted the Republican ticket?—A. I could not say that; they came in there and asked me to pay the taxes, and know that I had the names of two or three Democrats on.

Q. The taxes you paid were for persons who you thought were to vote the Republican ticket?—A. I thought it would be a little rough to turn around after I had paid their tax and vote the Democratic ticket.

Q. You would not intentionally have paid taxes for any Democrats?—A. If I could have made votes for one of our men I might have done it.

Q. Mr. Chambers did not give you any money to pay taxes for Democrats, did he?—A. He did not say a word to me about it. I told him that was the amount, and he cut it down considerably, and paid it.

Q. You knew that he was the chairman of the Republican committee, and you went to him for that reason?—A. Yes, sir.

Q. You spoke of my going in on Saturday evening for tax-receipts; do you not know that those taxes had been paid before in the course of the Saturday, and Bace had not time to fix the receipts, and that I came in to get the receipts for the money which had already been paid, and did he not tell you that?—A. He told me the next week following.

Q. You spoke to Mr. Bace about that afterward?

(Mr. Smith, on behalf of contestant, objected.)

A. Yes, sir.

Q. I mean the tax-receipts that I called for?—A. Yes, sir; I think it was Mr. Chambers and Mr. Freck called to see me and asked me about this matter, and I told them what I had seen and heard, and they asked me whether I would walk around and see Mr. Bace. And they spoke to Mr. Bace about it, and he said that you had paid the taxes on Saturday. That is the way I understand, and understood it then. That was on Saturday, the 7th of October.

Q. Mr. Freck is the collector of internal revenue?—A. I believe he was.

Q. And an active politician in this county?—A. So far as I know.

(Testimony read to witness.)

H. H. HILL.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE, *Notary Public.*

WILLIAM TILL, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you live?—Answer. I live 415 Laurel street.

Q. That is in the northwest ward in Pottsville?—A. Yes, sir; and I lived there a year past.

Q. You voted there at the last general election, in November last?—A. Yes, sir.

Q. You were notified to bring your tax-receipts in with you, were you not?—A. I did not bring my naturalization-paper or my tax-receipts. I have been voting fifty-two years, and have not been challenged yet.

Q. Where are your tax-receipts?—A. All burned up, except the tax-receipt of this year, and that is not made up. I moved a short time ago, and the old lady had a whole drawer of tax-receipts, and she burned them up.

Q. You did not pay the tax for last year, did you?—A. I paid for 1875, but this year I have not paid. I took good care not to vote on the receipt that would not allow me to vote.

Q. When did you pay the 1875 tax?—A. I paid the 1875 tax.

Q. How long ago?—A. I think it was on election-day; not last election-day, but last fall a year ago.

Q. To whom did you pay it?—A. I don't know now to whom it was paid; the tax-collector there.

Q. Can you tell us his name?—A. I never knew the tax-collector's name; I never bothered much about these things.

Q. Do you know what tax it was that you paid?—A. It was called the State and county tax.

Q. Did you get a receipt?—A. I said I had them, but my wife burned them up with the old letters when we expected to move.

Q. Do you not remember what name was signed to that receipt?—A. I do not know now; I did not look at it; to tell the whole truth, I was pretty poor. I was out of business this three years, and hence I had not paid my tax, and Mr. Samuel Garrett gave me a receipt for it when I voted.

Q. That was in 1875, when Samuel Garrett was candidate for county commissioner.—A. Yes, sir.

Q. He paid it for you?—A. He must have done so.

Q. You did not pay it yourself?—A. No; I did not; but the tax was paid, or I should not have attempted to vote.

Q. He did not ask you to give him the money back that he paid?—A. No, sir. I have never spoken to him from that day to this upon any subject—never.

Q. Besides that one tax-receipt that Samuel Garrett gave you, had you no others for two or three years before the election?—A. Yes; I had several receipts.

Q. For two years before the last election?—A. My receipt was within the right time to vote.

Q. You voted on that receipt that Samuel Garrett gave you?—A. Yes, sir.

Q. Did you vote for Congressman at the last election?—A. Yes, sir; I voted the Republican ticket.

Q. Colonel Nutting was the Republican candidate?—A. Yes, sir; Mr. Nutting was.

Q. He is the man you voted for?—A. Yes; I voted the whole Repub-

lican ticket; I thought well enough of Mr. Reilly, but I did not change my ticket.

WILLIAM TILL.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

HENRY GROATMAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you live?—Answer. I live right here, in town, at the present time.

Q. What part of the town?—A. Right across from the street-railroad depot.

Q. Is that in the middle ward of Pottsville?—A. Yes, sir.

Q. Did you vo'e in the middle ward at the last November election?—A. No, sir.

Q. Did you vote at all at the last election in November?—A. I did, sir.

Q. Where did you vote?—A. In the northwest ward, at Gressle's.

Q. Where were you living at that time?—A. I was living in Minersville road in Tom Flinns' house.

Q. Were you living there on the day of election?—A. Yes, sir.

Q. When did you move?—A. That I could not exactly say. I lived over in Fox's house in a place called Swampoodle.

Q. Where do you live now; in the middle ward?—A. I believe so.

Q. When did you move into that ward?—A. It is three months the first of March I have been living over there.

Q. And before then where did you live?—A. I lived in Mr. Fox's house. I do not know what you call the place.

Q. What street is it in?—A. I could not say indeed; it is back of Swampoodle.

Q. In what ward?—A. The northwestern, I suppose.

Q. You were called upon to produce your tax-receipt? [Witness produces paper.] Is this receipt which you produce here your receipt?—A. That is the one I have got.

Q. Whom did you get this receipt from?—A. I got it from a man by the name of Miller, if I am not mistaken.

Q. Henry Miller?—A. I think so.

Q. Where does he live?—A. I do not know.

Q. You did not pay for this yourself?—A. No, sir; I did not.

Q. You do not know whether anybody paid for it of your own knowledge?—A. No, sir; I do not.

Q. All you know is that Mr. Miller gave you this receipt?—A. That is all I know. I went up there to Mr. Kuentzler's and he told me they were paid.

Q. And so you did not pay them?—A. I did not pay them myself.

Q. You did not refund the money to Miller?—A. No, sir; I do not know anything about that.

Q. When did you get this receipt?—A. The day of the election.

Q. Miller gave it to you then?—A. Yes, sir.

Q. Where did he give it to you?—A. In the hotel.

Q. Where the poll is?—A. Yes, sir.

Q Do you know whether Miller had any other tax-receipts besides this?—A. No, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections):

Q. Can you read?—A. No, sir.

(Mr. Smith, on behalf of contestant, offered in evidence receipt as follows:)

"POTTSVILLE, *October* 7, 1877.

"Received of Henry Groatman the sum of seventy-five cents in full for county tax for the year 1875.

"F. C. KENNTZLER,
"*Collector.*"

Q. You had that receipt with you on the day of election?—A. Yes, sir.

Q. And exhibited it to the police-officers and election officers?—A. Yes, sir.

Q. And voted upon showing that receipt?—A. Yes, sir.

Q. Do you know Henry Miller?—A. Yes, I know him.

Q. He is an old citizen of the town?—A. Yes, sir.

Q. And he is an honest, upright man?—A. Yes, sir.

Q. So far as you know?—A. Yes; so far as I know.

Q. Did he tell you whether or not he had paid the tax for you?—A. No, sir.

Q. You were told by Mr. Kuentzler that they were paid?—A. Yes; he told me they were paid when I went to him.

Redirect examination by Mr. Schalck:

Q. When you went to the poll on that day you had not that receipt?—A. I was in the room that day, and I had not it with me; but when I came down it was handed to me.

Q. When you came to the polls to vote it was handed to you?—A. Yes, sir.

Q. That is the first you saw of that receipt?—A. Yes, sir; that is the first I saw of it.

Q. Do you know whether Miller paid other taxes besides this?—A. No, sir; I do not know anything about it.

Recross-examination by Mr. Smith:

Q. When you asked Mr. Miller you thought Miller had the receipt?—A. I heard it said, but I did not hear it from him.

Q. You heard from others that Miller had your receipt?—A. Yes, sir

Redirect examination by Mr. Smith:

Q. Miller was a Republican politician in that ward, or a man who takes an interest in the politics of the Republican party?—A. Yes, sir; I suppose so.

Q. You voted for Congressman at the last election?—A. I think I did.

Q. For whom did you vote for Congress?

(Mr. Smith, on behalf of contestant, objected for the reason that the witness is a legal voter and cannot be asked to disclose how he voted.)

A. I voted the full Republican ticket.

Q. Colonel Nutting was the Republican candidate for Congress, and you voted for him?—A. I believe so.

Recross-examination by Mr. Smith:

Q. You stated that you could not read?—A. No, sir; I can't read.

Q. Then you did not know of your own knowledge, as you could not read your ticket, that you voted the Republican ticket?—A. No; not

of my own knowledge. I could not, of course, but I have a good friend that put it up for me.

Q. You had to rely upon the person who put up the ticket for you?—A. Yes, sir.

Redirect examination by Mr. Schalck:

Q. Who was it put up the ticket for you?—A. Charles Matthews put it up for me.

Q. You think it was a Republican ticket, and you think that is what you voted?—A. Yes, sir; I think so. I voted what he gave me.

Q. You wanted a Republican ticket?—A. Yes, sir.

Q. Who is Charles Matthews?—A. A son of old Jacob Matthews.

his
HENRY + GROATMAN.
mark.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

MICHAEL GROATMAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you live?—Answer. In the northeast ward of the borough of Pottsville.

Q. Did you vote there at the last general election in 1876?—A. No, sir.

Q. Where did you vote?—A. I did not vote at all.

Q. Is there any other Michael Groatman in the town that you know of?—A. No, sir.

M. J. GROATMAN.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

HENRY MILLER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Will you please state whether you procured tax-receipts for parties who had not paid their taxes themselves?—Answer. I have for some of them.

Q. Can you tell us how many?—A. That I cannot remember now.

Q. Can you estimate it?—A. Indeed I do not know. I could not tell any more how many there were. I did not keep any memorandum. He gave me the names and I paid some of them, but not all.

Q. Did you deliver any receipts that you procured yourself to the parties?—A. Yes; not quite all of them. I have got a few of them.

Q. Those that were procured were given out by yourself?—A. Yes; not directly; one or two I gave to men to give to parties.

Q. Can you give us any idea of the number; were there as many as a dozen?—A. It might be a dozen, and there might be more. I do not think there were less.

Q. Were they for parties that lived in a particular ward in the borough?—A. All for the northwest ward.

Q. State how you came to pay for the taxes, and where you got any money. State whether or not the receipts which you procured and paid

for were procured pursuant to any arrangement with the Republican standing committee, and whether the money came from the Republican standing committee.—A. Yes; that is what I understood. I was one of the ward Republican committee, and one of the members made out a list of the parties who were too poor to pay their taxes.

Q. And the money came from the Republican committee?—A. Yes, sir; there was one of those receipts that I paid and sent word on to Washington to a party, and he sent on word to me to pay his tax, and he paid the money back to me.

Q. Could you give us the names of any of the parties for whom you paid tax who voted?—A. That is a little more than I can say. I did not keep any memorandum of it at all. There was one that I have told you about; that was Charles Spencer, and he came here the day before election and paid his tax to me, and I think I gave one to Henry Groatman and the other parties. I do not remember any more. I am not very well acquainted with the people around in the ward. I know a great many people, but I don't know their names.

Q. But according to your knowledge of the party and the arrangement with the committee, it was only for persons who were Republican in politics that you procured any receipts?—A. I do not think that altogether, for I think I have got a number of receipts that I am satisfied in my own mind they were Democrats.

Q. In making out a list, you looked after Republican voters, or those believed to be Republican?—A. I did not make out a list.

Q. You looked over a list?—A. I looked over a list, but I did not make out any.

Q. Did you examine it to see whether it only contained Republicans, or those believed to be Republicans?—A. No, sir.

Q. Do you know that the committee made arrangements and paid taxes in the other districts in the same way for persons who were too poor to pay their own taxes?—A. That I do not know.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You made it no point, in handing the receipts to the parties, that they should vote the Republican ticket?—A. No, sir.

Q. This list that was made out of parties too poor to pay their own taxes, you just took that and got the money from Mr. Chambers and paid the taxes?—A. Yes, sir.

Q. And delivered the tax-receipts?—A. Yes, as they came forward. I did not ask them how they voted, or give them a ticket, or anything of that kind.

HENRY MILLER.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

CHARES W. SCHNERR, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Do you know of any persons voting at the general election last November who had not themselves paid a State or county tax within two years?—Answer. Yes, sir; I do.

Q. Can you tell us who they were?—A. I do not believe I could tell you all.

Q. As near as you can, tell us.—A. There were not so many; but I was situated in such a position that I did not pay any particular attention to it.

Q. Give us the names of as many as you can.—A. I have a memorandum, or I did have at the time; but I paid no more attention to it afterwards. Alfred Levy was one I remember of now. I paid taxes of men living in different sections of the borough. I paid for three men who were represented to me, and vouched to me, in one ward, as being Republicans; but I would not know them now; and I paid some in the northeast ward, and I paid all that was paid in my own ward that I know of.

Q. Can you give us about the number of receipts that were given to parties in that way that you know of, or that you had anything to do with?—A. I think I paid to Thomas Kane twenty-two (22) dollars and some odd cents either on the 5th or 6th of October, and then the money that I paid to Bace and Fasoldt was paid at different times from three o'clock in the afternoon until nine to half past ten in the evening, and I took the receipts and distributed them, and kept a memorandum of some, and others I did not keep a memorandum of at all.

Q. Can you form any estimate as to the number?—A. No, I cannot.

Q. You distributed those receipts yourself?—A. Yes, sir; some of them, and some I gave to men representing the different wards; I gave two or three to a man by the name of Miller in the seventh ward.

Q. Did you deliver any of those receipts on election-day?—A. I do not think I did; I believe I delivered them all before.

Q. Did you deliver any of them within thirty days preceding the election?—A. Some of them I did; I gave some of them out that same evening; that is, Saturday evening; but the bulk of them I do not think were distributed until afterwards; but how many I gave out that night, or how many I got, is more than I can tell.

Q. The receipts that you procured in this way were for parties you believed to be Republican in politics?—A. Certainly.

Q. How did you come to procure these receipts; that is, where did you get the money from?—A. I used my own money that day; I was paid for services rendered in getting up some ninety-two window-books, or polling-books.

Were those receipts obtained pursuant to the arrangement made by the Republican standing committee?—A. No; well, I suppose they were in pursuance to the arrangement between me and Mr. Chambers, chairman of the Republican standing committee.

Q. The money that you paid out for these taxes you understood was to be refunded by the standing committee?—A. Through the standing committee, by Mr. Chambers.

Q. You have no recollection of giving out any of these receipts on election-day?—A. I cannot say whether I did or did not.

Q. Did you distribute all the receipts that you procured directly to the voters?—A. No, sir.

Q. I mean whether they were all used by the voters; whether the parties whose taxes were paid in this way all got their receipts and voted?—A. I think they did.

Q. Will you be kind enough to furnish us that list?—A. I moved on the 11th of December, and where to look for it I do not know; I will ask Mr. Chambers for it. Mr. Bace can tell who I paid for, I think.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. When these tax-receipts were delivered you made no demand upon

any of them that they should vote the Republican ticket.—A. No, sir; and I paid for a Democrat out of my own pocket.

Q. There was nothing said that they should vote the Republican ticket.—A. No, sir.

Q. The parties were supposed to be Republicans.—A. They had the reputation of being Republicans, with one exception.

Q. And they were in that condition that they could not pay their own taxes at that time.—A. Yes, sir.

Redirect examination by Mr. Reilly:

Q. Were you a member of the Republican standing committee?—A. No, sir.

Q. Did you attend any of their meetings?—A. No, sir; I have been in, though, when they did.

Q. Do you know whether they did have an arrangement to pay taxes in this way in their district?—A. I do not know positively, except I know of one or two that received money for that purpose about the first of October; I was present when the money was given.

Q. Who was that?—A. It was a South Schuylkill Township man.

Q. Is that the only other district outside of Pottsville in which you know that any arrangement was made to pay taxes?—A. I paid the taxes of John Wickland in Norwegian Township.

CHARLES W. SCHNERR.

Sworn and subscribed before me this 7th day of March, 1877.

C. LITTLE,
Notary Public.

Examination adjourned to nine o'clock to-morrow morning.

THURSDAY, *March* 8, 1877.

Morning session. Counsel for respective parties present. Examination resumed at 9 o'clock a. m.

GEORGE SCHAFER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Did you vote at the last November election?—Answer. Yes, sir.

Q. Where did you vote?—A. In the middle ward of borough of Pottsville.

Q. Where did you live at that time?—A. In Lyons street, corner of Sixth street.

Q. How long had you lived there?—A. A little over three years.

Q. Do you live there now?—A. No, sir; I live in Jalapa.

Q. When did you move?—A. I moved down there about three months ago; on the 12th of this month it will be three months ago.

Q. Have you your tax-receipts with you?—A. Yes, sir (witness produces paper); there are two from 1874. I do not know whether I paid one tax twice or not. Mr. Buckley went to the brewery and got one amount, and he went to the house and got the other. There are some for 1875 and some for 1873. I never bothered myself much about it. There is one for 1872 also.

Q. When did you pay this (indicating receipt)?—A. It looks like 1875 to me. I do not know, for I generally handed the money to my wife and she settled all these matters at home.

Q. You did not pay it yourself?—A. No, sir; only the one from the brewery, and the clerk paid that for me.

Q. Who paid this receipt to Thomas Kane?—A. I think my wife, as much as I can remember.

Q. That was either in 1875 or 1876?—A. It looks much like 1875, but it is hard to make out.

Q. Have you your papers with you?—A. I have my naturalization-paper (producing paper).

Q. How long after election did you move?—A. I think it was in January; it was in the winter anyway; no, it was a little before Christmas, because I wanted to get out of there a little before—in time to have the house fixed up for Christmas, and the 12th of March it will be three months.

(No cross-examination.)

GEORGE SCHAFER.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

E. A. SEATON, being duly affirmed according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Did you vote at the last general election in November, 1876?—Answer. Yes, sir; I believe I did.

Q. Where did you vote?—A. In the middle ward of the borough of Pottsville.

Q. Did you live there at that time?—A. Yes, I lived in the ward.

Q. You were notified to produce your tax-receipts?—A. Yes sir (producing papers).

Q. When did you get these receipts?—A. I could not say except by the date (indicating receipt); I see it is January 5, 1876, upon that one.

Q. I would like to have you tell us when you got that receipt?—A. I could not say any other day except the day which is there signed. I have no recollection of getting it out any other date, and I must be guided by that.

Q. Did you get it yourself?—A. Yes; I got it myself from Mr. Kane in my own house and I paid him myself.

Q. Are you a native of this country?—A. Yes, sir.

(No cross-examination.)

E. A. SEATON.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

DANIEL COX, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Did you vote at the last general election in November, 1876?—Answer. Yes, sir.

Q. Did you vote in the middle ward of the borough of Pottsville?—A. Yes, sir.

Q. How did you come to vote in the middle ward?—A. Because I resided there. I could have voted in another ward, but that would not have been legal.

Q. Whereabouts in the middle ward did you reside?—A. In the

watch-house for four months, and did my washing, and cooking, and everything there.

Q. That is the station-house in the borough of Pottsville?—A. Yes, sir; I suppose it is.

Q. It is the lockup for the whole borough?—A. I suppose so. I do not know of another.

Q. That was the only residence you had because you stopped in the station-house?—A. Yes; I had the privilege of staying there to keep the place clean.

Q. Who gave you that privilege?—A. I cannot tell which one, but it was one of the police officers; they were all agreeable except the deputy, Shoemaker; he was a Democrat, and he did not like it because I was a Republican.

Q. Did not you know that it was the business of the police officers to clean it themselves?—A. I do not know about that; the borough officers should ascertain that, not me.

Q. You did not pay any rent there?—A. I was not asked for any.

Q. Nobody asked you for any rent or the pay for staying there?—A. No, sir.

Q. And all you did was to clean up the place?—A. Yes, and cook my food and wash my clothes.

Q. All you did for the privilege of staying there was to sweep out the station-house?—A. And scrub it out when it wanted it.

Q. In what room did you stay in the station-house?—A. Alongside of the stove on the settee.

Q. There was one large room in the station-house where all the night-lodgers were placed, and in that room you slept?—A. Yes; I was not in a cell.

Q. The cells were separate for the prisoners?—A. Yes, sir.

Q. And the large room was for the transient customers and tramps?—A. Yes, sir.

Q. It is the one where all the tramps or people who get lodging over night sleep?—A. Yes, sir.

Q. The only difference between you sleeping there and these others was that you were there all the time, permanently, and the others were there only from night to night?—A. Yes; they only staid there one night.

Q. That was the only residence you had and the only residence you claimed in the middle ward?—A. Yes, sir; the only one.

Q. And you had been there about fourteen months before the election?—A. Yes; previous to the election, and I would have been there yet if I had voted for a Democrat, too, but Mr. Stoffragen hoisted me quick.

Q. Had you voted there the previous election?—A. No, sir.

Q. You lived there then?—A. I did not vote, and I had no inclination to vote then; but I did feel an interest in this election and wanted my party elected. That was the first and only time I voted in Pottsville.

Q. Where was your home before you went to the station-house?—A. In Mr. Hurst's house, on Bunker Hill.

Q. That is in the south ward of Pottsville?—A. I suppose so; I do not know.

Q. The people who live there did not vote at the middle-ward poll where you voted?—A. No, sir; I guess not. I guess they vote here at the Merchants' Hotel.

Q. You were asked to produce your tax-receipts?—A. (Witness produces paper.) Yes, sir; this is it.

Q. Is this your tax-receipt?—A. I suppose so; my name is attached to it.

Q. When did you get this?—A. I do not know.

Q. It is dated October 6, 1876; when did you get that receipt?—A. I suppose the same date; the man that makes the receipt ought to know what day it is. If he deceived me I have got no other one; I have given it to some one to keep for me.

Q. Who did you get this receipt from?—A. You can see, I guess.

Q. Did Mr. Bace give you this receipt himself?—A. No; I told you before he was not the man; I do not know what his name is; you know Mr. Bace did not collect taxes himself.

Q. Do you mean Fasoldt?—A. Yes, I guess so.

Q. Do you say that you went after this man Fasoldt to pay him this tax?—A. Decidedly. I did not pay a cent of tax to Bace.

Q. Do you remember who paid for these tax-receipts?—A. I guess I paid for it myself; nobody else would be honorable enough to pay it for me.

Q. Do you say you paid it yourself?—A. Yes; I told you so before.

Q. To this man Fasoldt, that you spoke of?—A. Yes, sir.

Q. Do you remember how long before the election you paid it to him?—A. I do not know the day of the month; that is on it; you can see what date is on it.

Q. Was it some time before the election you paid the taxes?—A. Yes, some six or seven weeks; I could not say exactly.

Q. Did you keep this receipt yourself?—A. I kept it myself for a little while, and then I gave it to a certain person to keep for me, for I was knocking around and might lose it, and I got it back on the day of election.

Q. You were born in England?—A. Yes, sir.

Q. How old were you when you came to this country?—A. I was about seventeen years and a half when I came over here.

Q. Where did you come to when you first came to America?—A. From New York to Albany, and from Albany to Utica.

Q. You staid in Utica some time?—A. Yes, and then went to a place called Vernon, sixteen miles from Utica, and then I went to Liverpool, three miles and a half from Syracuse.

Q. When did you first come to this country?—A. In 1856, on the 7th of May.

Q. How long did you then stay in this country?—A. Not quite a year.

Q. Where did you go to from Liverpool?—A. I came back from Liverpool to Vernon, and from Vernon to Utica, and there I took my papers out in December, 1856—me and another man by the name of Bill Baker.

Q. What did you do then?—A. I staid in England until 1869.

Q. You went back to England and staid there until 1869?—A. Yes; and in 1869 I came back here to America and have been here since.

Q. Where did you come to at that time?—A. I reached Boston on the 28th of December, 1869, by the steamship Batavia, one of the Cunard line.

Q. And then you came on here soon afterward?—A. Yes; I came here on the 10th of January; and I was out of Pottsville only one night since I have been here.

Q. How did you come to declare your intentions or take out your first papers in 1856?—A. It was during the Crimean war, and if I got my papers then they could not draft or press me for a sailor, for I was then

an American citizen, and I should have the protection of the American Government, and if I was short of money I could go to the American consul and get sent back free; he sent hundreds back; and you always want to look before you leap.

Q. And that is the reason you got your papers?—A. Yes; me and Bill Baker; we were both from Devonshire.

Q. How old were you then?—A. I was a little over eighteen then.

Q. Where are your first papers?—A. I do not know where they are.

Q. What became of them?—A. I could not tell you.

Q. When did you see those papers last?—A. I could not say; I could not tell you what became of them.

Q. Let us see your naturalization-papers.—A. (Witness produces papers.) Here they are.

Q. How old is your brother William?—A. He is nearly six years younger than I am.

Q. What is your age?—A. I was born in 1838, on the 13th of November, and Bill was born on the 4th of July, five years afterward.

Q. Bill came to this country a good while before you came here the second time?—A. Yes, sir.

Q. Was your brother Bill born in 1844 or 1843?—A. I do not know about that, but he is five and one-half years younger than me.

Q. When did Bill come to this country?—A. I do not know for sure whether it was 1857 or 1858; I could not tell the year.

Q. Then it was a year or two after you had left the country?—A. Yes; he was quite a boy when he came here.

Q. It was a year or two after you had left this country to go back to England?—A. Yes, sir.

Q. He was home when you came back to England?—A. Yes, sir.

Q. And he left a year or two after that?—A. Yes, sir.

Q. When did you see him first after you came back to America?—A. In Mount Laurel Cemetery.

Q. That was when you came to Pottsville?—A. Yes; on the 10th of January. It was 1870 when I got here.

Q. The paper you produced here is your naturalization-paper?—A. It is supposed to be.

(Mr. Schalck, on behalf of incumbent, read in evidence naturalization issued out of the court of common pleas of Schuylkill County dated August 14, 1876; witness, William Cox; purporting to be minor-papers.)

Q. You took this paper out here in this court last summer?—A. Yes, sir.

Q. This William Cox who is your witness is your brother William?—A. Yes, sir.

Q. You signed this paper yourself?—A. Yes; that is my writing and that is William's there, too.

Q. And this signature of William Cox is in William's handwriting?—A. Yes, sir.

Q. Did you read this when you signed it?—A. Decidedly I did before I signed it.

Q. You mean this as your petition to become a citizen?—A. Yes, sir; I would not be fool enough to put my hand to anything before I saw it.

Q. And William read it before he signed it?—A. I read it out loud to him.

Q. If you had taken out your first papers in Utica in 1856 why did you not take out your second paper on the strength of your first papers?

—A. I have an object for that and I will keep that to myself unless you wish to know very particularly.

Q. I am not very anxious to know.—A. It would be no benefit to if I told you.

Q. It is proper that a man should take out his second papers when he has taken out first papers?—A. Did I not tell you that I had lost them?

Q. Is that your reason, that you had lost your first papers?—A. No, sir; that is not my reason. My mother scolded me for swearing against Great Britain, and I said "I will not take out my other papers until you are dead," and she is dead now nearly a year.

Q. Do you remember what was in this petition which you swore to?—A. You can read it yourself.

Q. Do you remember?—A. No, I do not remember all of it; I did not learn it like a rule.

Q. Do you remember that you swore that you resided in the United States three years next preceding your arrival at the age of twenty-one years?—A. Yes, sir.

Q. And that you had continued to reside therein until this time?—A. To and fro, not altogether.

Q. And that including the aforesaid three years of your minority you have resided within the limits and under the jurisdiction of the United States five years and upward; do you remember that you swore to that?—A. I swore to everything that is there, and I swore to the truth.

Q. Do you say that you swore to the truth when you swore to that?—A. Yes, sir.

Q. If you came here when you were sixteen or seventeen and went away again——A. I was an American citizen all the same.

Q. You had not become an American citizen when you went back to England in 1856?—A. I got my papers, anyhow, and I declared my intentions, and I was about a half a citizen, anyhow.

Q. How could your brother William swear to the same thing, that you had lived here three years before you came to be twenty-one years of age, if he did not come here until after you left this country in 1856?—A. I have told you once.

Q. Do not you know that both you and your brother swore falsely when you swore to these papers?—A. No, sir. I told you I was an American citizen, because I declared my intentions. How many American citizens are in London now, and come back, and are they not American citizens all the same? I declared my intentions, did not I, against Great Britain.

Q. Then you were half a citizen, and became a whole citizen in 1876?—A. That you can see.

Q. The signature here, "Daniel Cox," upon this paper, is in your own handwriting?—A. Yes; you can see that.

Q. Is this the original paper which you signed?—A. It is the one I got out of the court-house.

Q. Is it your handwriting, and you signed it?—A. Yes, sir.

Q. And this signature of William Cox is in your brother Bill's handwriting?—A. Yes; you can tell the difference between the two handwritings.

Q. Who procured this paper for you?—A. I got it up in the court-house.

Q. Who got it out for you?—A. W. Ramsey Potts.

Q. He is a lawyer in this town?—A. I do not know.

Q. He was a Republican candidate for the legislature at the last election?—A. I guess so.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You claimed your residence to have been at the station-house at the time you voted last fall?—A. Yes, sir.

Q. You rendered the services of keeping the station-house clean, and carrying in the coal that was needed there?—A. Yes, sir.

Q. And you did that as a rent for staying there?—A. Yes, sir; the services were for my staying there, and upon that condition I carried the coal and ashes, and kept the fire up.

Q. You had no other residence?—A. No, sir.

Q. Are you a single man?—A. Yes, sir; my wife is dead.

Q. And you did your own cooking?—A. Yes, sir, and washing, too.

Q. You did odd jobs about town?—A. Yes, sir; carrying coal and picking up bones or rags, or doing something or other.

Q. Were you not in fact janitor of the station-house?—A. Yes, sir.

Q. You say that you came to this country in 1856?—A. Yes, sir; on the 7th day of May.

Q. And staid here how long?—A. I am not sure whether it was the 27th or the 23d day of December, 1856, but I know it was on Sunday that I sailed to go home.

Q. At the time you declared your intention to become a citizen of the United States, you intended to become such a citizen?—A. Yes, sir; or else I would not have declared my intention, if I had not.

Q. You were sworn to the truth?—A. Yes, sir; to the whole truth, and nothing but the truth, either.

Q. When you went back to England, it was not your intention to stay in England?—A. No, sir; I liked this country too good.

Q. And you did not change your mind while in England?—A. No, sir.

Q. Is your mother still living?—A. No, sir; she has been dead nearly a year, and my wife has been dead nearly four years the last 8th of September.

Q. Then it was all the time your intention to become a citizen of the United States from the time you declared your intention?—A. Yes, and long before; but I could not raise money enough to come here before that, or I would have been here before that. As soon as I could raise money enough I came to America.

Q. And you deferred taking out your final papers until your mother died?—A. Yes; I told my mother that I would not, and I did not either; but Bill did long ago.

Q. Did you know at the time you filed your declaration to become a citizen that it was not necessary that you should declare any intention; that you could get your final papers without it at the end of five years?—A. Yes; I came under eighteen, and I did not need to take out any papers at all, but it was only for protection.

Q. The reason you took the first paper at the time you did was so that you would have the protection of the United States?—A. Yes, sir.

Q. When you made your final application you had lost your declaration?—A. I do not know what became of it.

Q. You knew because you had been here under eighteen that you could have your final papers, and you took them out without reference to that?—Yes, sir.

Redirect examination by Mr. Schalck:

Q. The protection that you wanted was the protection of the United States Government, so that the British Government could not press you into the service?—A. Yes, sir.

Q. You intended to go back to England, but you did not want to be exposed to the risk of being pressed into the service?—A. Yes; that was my object in declaring my intentions at the time I did.

Q. Then you went back to England and felt safe when you had declared your intentions?—A. Yes, sir.

Q. And you remained in England about thirteen years?—A. Yes, sir.

Q. And then you concluded to come over to America?—A. Yes, sir.

Recross-examination by Mr. Smith:

Q. Tell us why you did not return any sooner to America?—A. Because I did not have the means to get here.

Q. Was that your only reason?—A. Yes; if I had the means I would have come here long ago.

Redirect examination by Mr. Schalck:

Q. How much was the passage?—A. The first time I came I paid five pounds on board a sailing-ship, and then six guineas the second time, when I came upon a steamship.

Q. How much was it to come over in a sailing-ship in 1869?—A. I do not know; I did not ascertain; I was thirty-seven days coming the first time, and only fourteen the last time.

Q. You knew that it would be considerably cheaper to come in a sailing ship?—A. Yes, sir; but I did not want to be three or four weeks on the water, when I could get money at work.

Q. For whom did you vote for Congress at the last November election?—A. I voted the full Republican ticket, and did not scratch one.

Q. James L. Nutting was the Republican candidate for Congress; did you vote for him?—A. I voted the whole Republican ticket. I heard Nutting mentioned, but I do not know the man.

Q. You knew there was a man by that name who was the Republican candidate for Congress?—A. Yes, sir; and I voted the whole Republican ticket.

Recross-examination by Mr. Smith:

Q. You did not know whether Nutting was a candidate for Congress, or some other office?—A. No, sir; I never went to any of the meetings, and never had as much as a glass of beer off any of them. Whoever was the Republican candidate for Congressman I voted for him; I showed my ticket openly before I voted.

DANIEL COX.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

BERNARD HORAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Did you vote at the last general election in November, 1876?—Answer. Yes, sir.

Q. You voted in East Norwegian Township?—A. Yes, sir.

Q. That is the place where you live?—A. Yes, sir.

Q. You were notified to produce your tax-receipt?—A. I have not got them for 1875 and 1876.

Q. Have you paid a tax for either of those two years?—A. The tax-collector told me I did not pay them, and I have no tax-receipts. I lost them before that.

Q. Have you paid any State or county taxes within two years previous to the last November election?—A. No, sir; not according to this—not according to the tax-collector.

Q. Not according to the tax-collector's statement?—A. Yes, sir.

Q. That is true, and you know nothing to the contrary?—A. No, sir; I do not know whether I paid them, and he says not.

Q. You cannot swear anything to the contrary?—A. No, sir.

Q. Can you swear that you have, within two years prior to the last November election, paid a State or county tax?

(Mr. Smith, on behalf of contestant, objected.)

A. I paid it in 1874, but not since.

Q. Can you state that you paid a State or county tax from the 7th of November, 1874, up to the 7th of November, 1876?—A. No, sir; I cannot.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You do not know anything about your tax except what the collector has told you?—A. No, sir; I know I paid him in 1873 or 1874, but I do not think I paid him in 1875 or 1876, and in 1876 I am sure I did not.

Q. Who is the tax-collector?—A. William Comer.

Q. If you paid your tax in 1873 and 1874, about what time in the year did you usually pay these taxes?—A. I could not say; I have not got any tax-receipts at all since I lived in East Norwegian Township.

Q. How long have you lived in that township?—A. Since 1866. I was in Saint Clair for a while, but I was not long there. I never paid a tax there.

Q. You live in East Norwegian?—A. I was just boarding in Saint Clair when I was married one winter.

Q. And for the last four or five years you have been living in East Norwegian Township?—A. Yes; for the last four years anyhow.

Q. Did you have a tax-receipt for 1874?—A. I guess I had; my wife paid tax once and I paid it myself another time.

Q. Did the tax-collector call upon you for the tax of 1875?—A. I do not know; he might have called.

Q. Was the first time he demanded them from you within the last two months?—A. No, sir.

Q. For 1875?—A. No, sir.

Q. Do you remember that he demanded the county tax from you for 1875?—A. I could not tell; he might, but I do not remember of it.

Q. Do you remember the fact?—A. No, sir.

Q. Has he asked you for the tax for 1876?—A. No; I do not know whether he has or not.

Q. At the time you voted were you under the impression that you had paid taxes for 1875?—A. I might have paid; I do not know.

Q. You might have thought so?—A. Yes, sir.

Q. Did you have any doubt on that subject before the tax-collector told you that you had not?—A. I had a little doubt, and I asked him since the last spring election, and he told me I had not paid it for 1875 or 1876.

Q. Did you vote at the last spring election?—A. No, sir.

Q. Where did you meet Mr. Comer when you had this conversation with him?—A. At the place where the poll was held; it was the Saturday before the spring election, in February last.

Q. You cannot call to recollection now that Mr. Comer has called

upon you for the amount of the State tax for 1875 within the last year?—A. No, I do not remember; he might, but I do not remember of it.

Q. Who paid your taxes for 1874?—A. I cannot tell which of the taxes were paid; I paid one of them, but I do not know whether it was for 1873 or 1874; and my wife paid one of them.

Q. If your wife paid you cannot tell the date when it was paid?—A. No, sir.

Q. Can you positively state that your wife did not pay your taxes for 1875?—A. No, sir.

Q. She may have paid it?—A. Comer says I did not pay any tax.

Q. I do not care what Comer says. I want you to say whether you can tell whether she paid it or not.

(Mr. Schalck, on behalf of incumbent, objected.)

A. No; I do not know.

Q. You cannot tell?—A. No, sir; I do not think she did.

Q. Can you tell whether anybody else did pay them?—A. I do not believe anybody else would pay them for me; they are not so liberal these times.

Q. You say they are not so liberal as to pay taxes; are the tax-collectors as liberal as not to collect for taxes?—A. He may have called twice or three times and I not remember it.

Redirect examination by Mr. Schalck:

Q. For whom did you vote for Congress at the last November election?—A. I voted for Nutting.

Recross-examination by Mr. Smith:

Q. How do you know that you voted for Nutting?—A. I saw his name on the ticket.

Q. Did you read the ticket?—A. I read that much of it; but I do not know whether I read any more. I did not look at any more of it; I might have looked at some more, but I did not pay much attention.

Q. From whom did you get your ticket?—A. I got it from Michael Mackey.

Q. Then you went to the tax-collector to ascertain whether you had not voted illegally?—A. Yes; lately I did; I went to ask him did I pay the tax.

Q. Whom did you tell when you found that you had not paid the tax for 1876?

(Mr. Schalck, on behalf of incumbent, objected.)

A. I told a good many. I might have told a good many. I told them I had no tax-receipts; and I told James Comer, for one, that I had no tax-receipts. He is a brother of William Comer. I did not tell him about paying the tax; but I did tell him that I had no tax-receipts.

Q. Whom else did you tell?—A. I could not tell you any more; but I might have told some more.

Q. I want to know.—A. I do not know myself. I might recollect after a while, and I might not.

Q. Was Mr. Nutting the only candidate you voted for—the only Republican candidate?—A. I could not tell you that.

Q. Was Mr. Nutting's name on this ticket in the shape of a sticker, or was it printed regularly?—A. It was printed. I do not know whether it was a sticker; but I saw his name on, and I know his name was there anyhow.

Redirect examination by Mr. Schalck:

Q. This Mackey took an interest in that election upon that day?—A. It seems so; yes, sir.

Q. He was a pretty active man?—A. It seems so.

Q. Did he stay at the poll all day?—A. Yes, sir.

Q. Was he not electioneering for Colonel Nutting and the whole Republican ticket?—A. Yes, sir; that is what he told me; that he was electioneering for Nutting.

Recross-examination by Mr. Smith:

Q. You made up your mind that you made a mistake, and that you should have voted for Reilly?—A. No, sir; if I had it back again I might have voted for Reilly.

Redirect examination by Mr. Reilly:

Q. Did you intend to vote for me or Mr. Nutting when you cast your vote?—A. For Mr. Nutting; that's what I went there for; but may be a week or so afterward I might have voted the other way.

BERNARD HORAN.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

HORACE S. KIRK, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Did you vote at the last general election, in November, 1876?—Answer. Yes, sir.

Q. Where did you vote?—A. At Palo Alto.

Q. You lived there at that time?—A. Yes, sir.

Q. How long have you been living there?—A. A little over seven years last January.

Q. You were notified to produce your tax-receipts?—A. (Producing receipts.) Yes, sir; I have them for 1874 and 1875.

(No cross-examination.)

HORACE S. KIRK.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM BENDER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Did you vote at the last general election in November, 1876?—Answer. I did.

Q. Where did you vote?—A. I voted in the south ward of the borough of Pottsville.

Q. How long did you live there in that ward?—A. (Witness produces tax-receipt.) I live here about eighteen years.

Q. Who paid for your taxes?—A. I did, myself.

Q. Whom did you pay it to?—A. To Mr. Bace; on Sunday evening I think it was. I cannot tell the exact day, but a good while before the election. I think it was on the 25th of September.

Q. This receipt is dated 25th of September; is that the time you paid it?—A. Yes, sir.

(No cross-examination.)

WM. BENDER.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

JAMES SWEENY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Did you vote at the last general election in November, 1876?—Answer. Yes, sir.

Q. In East Norwegian Township?—A. Yes, sir.

Q. How long have you lived there?—A. I was living there for twenty-five years, but I was here four or five years when I was working at the mountains.

Q. When did you come back to East Norwegian Township?—A. I think it was in the spring or winter of 1875.

Q. Have you your tax-receipts?—A. I have none for 1875, and I cannot swear whether I paid any or not in the year 1874 in the borough of Gilberton. (Witness produces receipt.)

Q. Is this your receipt for the year 1876?—A. Yes, sir.

Q. This receipt is dated December 29, 1876, and that is the day when you paid it?—A. Yes, sir.

Q. You have not paid any tax for 1875?—A. No, sir; nobody came near me for it; no tax-collector came to me.

Q. And you cannot swear that you paid any in 1874?—A. No; not in the borough of Gilberton. I cannot say whether I did or not.

Q. You were then living in Gilberton, in 1874?—A. Yes, sir; I was working there.

Q. You cannot swear that you have paid a State or county tax within two years before the November election?—A. No, sir; I cannot swear to that.

Q. Have you any tax-receipts for what you paid?—A. I have not. I never kept any receipts from one year to another. I kept them in my pocket until they were torn up or lost.

Q. Are you a single man?—A. Yes, sir; and always was.

Q. How old are you?—A. I am somewhere around thirty-one or thirty-two.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Did you say that you lost your tax-receipt for 1875?—A. No, sir; I did not say any such thing. I did not pay any tax for 1875, as no tax-collector came near me for it.

Q. Where did you live in 1875?—A. In East Norwegian Township, in Mill Creek.

Q. Did you know Conner?—A. Yes, sir.

Q. How near do you live to him—to Conner, the tax-collector?—A. About a couple hundred yards from him, or perhaps a quarter of a mile, or about that.

Q. He did not call upon you for the tax?—A. No, sir; he did not; and did not call upon me for this one until I went and paid it.

Q. When did you move from Gilberton?—A. I cannot say rightly,

but I think it was in the winter of 1875, in January or February, some time.

Q. Or in early spring?—A. Yes, I think so, about there, but I am not positive of the time.

Q. Who was the tax-collector at Gilberton?—A. I think it is Francis McKeon.

Q. Can you tell us whether you paid him?—A. No, sir, I cannot.

Q. Do you remember of him calling upon you for the taxes?—A. No, sir.

Redirect-examination by Mr. Schalck:

Q. For whom did you vote for Congress at the last general election in 1876?—A. I do not know. I never looked at my ticket from the time I got it from the man until I put it into the window.

Q. From whom did you get it?—A. A man by the name of William Cullen gave me the ticket. I never opened it until I put it in at the window, and I could not swear what name was on it.

Q. You could not swear what name was on the ticket?—A. No, sir; because I did not look at it.

Q. Was Cullen standing at the window electioneering?—A. He was standing out in the street and was not electioneering any more than any other man, but he gave me the ticket.

JAMES SWEENY.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM CUNNINGHAM, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Did you vote at the last general election, in November, 1876?—Answer. Yes, sir.

Q. Did you vote in the borough of Mount Carbon, in this county?—A. Yes, sir.

Q. Are you a native of England?—A. No, sir; I am a native of Ireland.

Q. When did you come to this country?—A. I came in August, 1854.

Q. Where did you come to?—A. The first I was in the South, and came here on the 8th of July, 1855, to this county.

Q. How long did you remain here?—A. I remained here pretty much all the time, with the exception of four or five years, when I was in Canada.

Q. You remained here all the time, except when you were in Canada?—A. Yes, sir, except when I was eight months in Baltimore.

Q. What four or five years were you in Canada?—A. Eighteen hundred and sixty-three, I think, I left here, and I was there until 1868 or 1869. I don't know positively which of the years it was.

Q. Why did you go away from here?—A. My wife had an uncle there, and he had some ground there, and so I went there; but my wife would not stay there.

Q. You went over there and settled there?—A. Yes, sir; but I did not stay there more than that length of time. I stopped in the city of Hamilton.

Q. You staid there four or five years?—A. Yes, sir.

Q. Did you make that your home?—A. Well, I remained there, of course.

Q. Was that your residence?—A. Yes, sir.

Q. Just as much as Mount Carbon is now?—A. Yes, sir, while I got my living there. A man's home is where he earns his bread.

Q. It was your intention to remain there as long as you were doing well?—A. Yes, of course. I was a free man, and could stay where I wished.

Q. Was it your intention to remain there?—A. No, sir; it was my intention to remain on the farm and settle there if I liked it; but I did not like it.

Q. You did not like it on the farm?—A. No, sir. I worked for the Great Western Railway Company.

Q. Where?—A. In the city of Hamilton.

Q. And you continued to work there for four or five years?—A. Yes, sir.

Q. How did you come to go away and leave here in 1863?—A. Because I thought I could do better. I was working for George Lauers in the brewery. I was working in the mill, and it did not agree with me, and I went away to Canada, on the inducement of my wife's uncle writing to me.

Q. Did they write to you to come over?—A. Yes, sir; they had been writing before that for some time.

Q. For some years?—A. Yes, sir; for some years.

Q. How did it come that you made up your mind to go over to Canada?—A. I was in Ireland in 1861, and then I came back here in 1862; and I went in the mill and lost my health, and then I thought I would do better to work in the brewery; and I did not like that, and I went to Canada, and thought about working on a farm.

Q. Your intention was in going to Canada to make that your home?—A. Yes, if it suited me on the farm; if I would like it.

Q. You broke up housekeeping, did you not?—A. I never was housekeeping here; I was boarding with my father-in-law, and live there yet.

Q. Did you not give up whatever residence you had here in order to make Canada your home?—A. I went there to see what it was like, and met some friends, and they induced me to stop. My wife's uncle lived in Milton, in the county of Holton.

Q. It was during the war when you were there?—A. Yes, sir.

Q. Were you not registered and liable to draft here?—A. I do not think it.

Q. Did not you know that you were registered and liable to draft?—A. I know I was not; not to the best of my knowledge, for I was no citizen of the country.

Q. Did not you go away to get out of the draft?—A. I do not answer no such questions.

Q. I ask you the question.—A. I cannot answer such a question.

(Mr. Smith, on behalf of contestant, objected to all testimony upon this subject as irrelevant.)

Q. Did you not go away to get out of the draft?—A. No, sir; I was exempt in Schuylkill Haven out of the draft, and I had no need to go.

Q. Who exempted you in Schuylkill Haven out of the draft?—A. I was notified to take out my exemption-papers, and I took out my papers; and Mount Carbon was in Manheim Township at that time.

Q. Who exempted you?—A. I don't know. I was sworn there if I was a citizen of the United States of America, and I told them all I had to say, and I was exempted upon those grounds. I could not say what the oath was that was put to me. I had my first papers at the time, and I think I stated so, but I do not exactly remember.

Q. Were you exempted upon the grounds that you were not a citizen of the United States?—A. I presume so.

Q. You know of no other grounds?—A. I know of nothing else.

Q. You had your first papers at that time?—A. Yes; I had my first papers at that time.

Q. And you have since then taken out your second papers?—A. Yes, sir; and they speak for themselves.

Q. Your first papers, I see, you took out in 1859; is that so?—A. Yes, sir.

Q. And your second papers you took out in 1872?—A. Yes, sir; that is correct; and I have tax-receipts for 1875 and 1876, if they are required. For 1874 I have none, for the simple reason that I was collector of taxes for the borough of Mount Carbon at that time, and I settled up with the commissioners, for which I have a receipt here.

Q. How did it come that you did not take out your citizens-papers before that date?—A. The reason why was because I was away from here, and I had no need; I did not know whether I would come back or not.

Q. Did you not say and admit to different people that you did go away from Mount Carbon, and from Schuylkill County, to get out of the draft?—A. I could not make you believe otherwise if I were so inclined; the people said so, and I was not going to bring them before a tribunal if they did say so. If I had voted the Democratic ticket in Mount Carbon there would be nothing said about it.

Q. Can you not answer the question, yes or no?—A. I answered the question that I did not more than through a joke or something like that; through a joke or a jest.

Q. You claimed to be exempted from the draft because you were not a citizen?—A. They would not draft me on that account; they subpœnaed me to show my exemption.

Q. You were notified to come there and show whether you had any cause to show why you should not be drafted?—A. Yes, sir.

Q. The cause you did show was that you were not a citizen of this country, and you were exempted?—A. Yes; I suppose that was the reason. I showed them my first papers, and I was turned out of doors, and I did not ask them any questions.

Q. When was that?—A. I think that was in 1862 or 1863. I could not say, but it was the time of the draft any way. I took no notes of it, and my memory does not serve to remember the dates.

Q. What time in 1868 did you come back?—A. I could not say. I think in 1868 or 1869. I think it was in May, or somewhere about that time.

Q. You say it was in May, 1868 or 1869, but you are not certain?—A. No; I am not certain which year.

Q. Then you swear now that from the year 1859, when you took out your first paper, until the year 1872, that it had been *bona fide* your intention to become a citizen of the United States of America?—A. Yes, if I had remained to reside here. I did not know when I took out my first papers whether I would reside permanently here or not, and of course I went to Canada and was there five or six years, and I did not know how long I would stay, and when I came back and got a home of my own I intended to remain here, and then I took out my last paper.

Q. When you went to Canada, and during the time you were there, you did not consider yourself a citizen of the United States or intending to become a citizen of the United States?—A. Of course when I did not swear my allegiance away—I declared my intentions here—if I had re-

mained in Canada I would never have come over and took out my last papers, because they would not have been of any service to me.

Q. You came because you thought you could make a better living here?—A. My father-in-law was living here, and they were getting old and wanted me to come back, and all countries are the same to me when I make a living.

Q. Do you remember when you took out your second papers you swore that it had been all through these thirteen years your intention in good faith to become a citizen of the United States?—A. Yes, certainly, if I remained in it.

Q. And it was with that proviso?—A. Yes, sir; if I did not remain I would have no occasion to get out my second papers; and I came and took out my second papers.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You were a tax-collector for the borough of Mount Carbon in the year 1874?—A. Yes, sir.

Q. And you paid all your taxes?—A. Yes; they were around to make me pay that.

Q. Where was it that you went to be exempted from the draft?—A. At Schuylkill Haven. Mount Carbon was then in North Manheim Township.

Q. Did you know Col. John P. Hobart?—A. No, sir.

Q. You know it was in the first State draft?—A. Yes, sir; I think it was about the first draft. I was working then in the Palo Alto rolling-mills of Mr. Haywood.

Redirect examination by Mr. Schalck:

Q. For whom did you vote for Congress at the last election, in November, 1876?

(Mr. Smith, on behalf of contestant, objected.)

A. That is my business.

Q. Do you decline to answer the question?—A. Yes; I do not think it is necessary for me to tell for whom I voted. I guess it don't make any difference.

Q. Do you refuse to answer the question?—A. Yes, sir.

Q. Upon what ground?—A. Upon the ground that I do not care about telling. I do not think it is necessary for me to tell who I voted for; but, to satisfy these gentlemen, I will tell you one and all that I voted the Republican ticket, and you can calculate who I voted for.

Q. You voted for Colonel Nutting, he being the Republican candidate?—A. Yes, sir.

Q. Do you remember whether or not there was a declaration issued by the President of the United States to all parties who disclaimed citizenship of the United States to quit the country, or something to that effect, or else lose all protection from the government?—A. I believe I do remember something like that.

(Mr. Smith, on behalf of contestant objected, that if there was any such proclamation that the proclamation itself would be the best evidence.)

Q. When was that?—A. I do not know, indeed.

Q. Was it before you went away?—A. I could not say, indeed, when it was.

Q. Do you not remember that such a proclamation had been issued before you went to Canada?—A. I know nothing at all about it; I do not know anything about the President's proclamation; I was no citizen

of the country when I left here; I calculate I was a free man; I was never born a slave.

Q. You do not know that there was a proclamation of that kind?—A. I did not know of it, but I heard of some such proclamation.

Q. You heard there was such a proclamation?—A. Yes, sir.

Q. Was it not on the strength of that proclamation that you went over to Canada?—A. No, sir; I told you that before, but I told you what took me away before.

Q. The question is, whether you did not go on the strength of a proclamation of that kind?—A. No, sir; I did not, and I answered that question before.

(Testimony read to witness.)

WM. CUNNINGHAM.

Sworn and subcribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

DAVID P. BROWN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Did you vote at the last general election, in November, 1876?—Answer. Yes, sir.

Q. Where did you vote?—A. In the northwest ward of the borough of Pottsville. I think they call it up at Grassle's.

Q. How long did you live there?—A. I came here in the fall of 1871.

Q. And you moved into the northwest ward?—A. In the spring of 1875, and continued to live up to the election.

Q. You were notified to produce your tax-receipts?—A. I have none; I paid no tax.

Q. For how long?—A. Not in 1875 or 1876.

Q. Have you paid any State or county tax within two years prior to the last November election?—A. No, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Where did you live in 1874?—A. I was not living anywhere in particular; I was out of work, and traveling from one place to another looking for work all summer, and I moved here in the fall of 1874; but I did not go to housekeeping, though.

Q. Did you pay any tax in 1874?—A. No, sir; I do not know that I was assessed in 1874.

Q. Were you assessed in 1875?—A. I believe so, according to my witness's statement, but nobody ever came to me.

Q. Did your wife pay any tax for you?—A. Not State and county tax.

Q. What tax did she pay for you?

(Mr. Schalck, on behalf of incumbent, objected that the receipt is the best evidence.)

A. She paid none; I paid the borough and school taxes myself.

Q. What year did you pay them?

(Mr. Schalck, on behalf of contestant, objected to the question as immaterial.)

A. In 1875.

Q. Have you got the receipts?—A. Yes, sir.

Q. Are you sure that you paid no State or county tax in 1875?—A. Yes, sir.

Q. Who was the tax-collector?—A. Keuntzler; that is what I am told, but I do not know the man, and I would not know him if I was to meet him now.

Q. Upon what street do you live?—A. I live in Mount Hope.

Q. Who did you tell, since the election, that you had paid no State or county tax?

(Mr. Schalck, on behalf of incumbent, objected.)

A. I do not know that I told any one in particular, but I may have told some one.

Redirect examination by Mr. Schalck:

Q. Please tell us for whom you voted for Congress at the last general election?

(Mr. Smith, on behalf of contestant, objected, as the ballot is the best evidence.)

A. That I would not swear to, because I am not sure of it; the ticket was given to me folded up.

Q. And you did not open the ticket or examine it?—A. No, sir; I did not examine it; I opened it, but I did not examine the names, only this certain party.

Q. Only for one certain party?—A. There was one certain party that I looked for, but I did not read it over.

Q. You did not know the balance of the ticket?—A. No, sir; I could not swear whether it was for Reilly or Nutting.

Q. Who gave you the ticket?—A. Martin Eichorn gave me the ticket.

Q. Do you know what kind of tickets Martin Eichorn was giving out?

(Mr. Smith, on behalf of contestant, objected.)

A. I calculate it was the Republican ticket; that is what he gave it to me for.

Q. You asked for a Republican ticket, and you calculate that it was a Republican ticket that he gave you, which you voted?

(Mr. Smith, on behalf of contestant, objected.)

A. Yes, sir.

Q. Was Martin Eichorn taking an active interest in politics up there at that time?—A. I believe he was.

Q. On behalf of the Republican ticket, was he not?—A. I think so.

Recross-examination by Mr. Smith:

Q. Martin Eichorn is the fellow they call Matt Eichorn?—A. Yes, sir.

Q. Tell us who that particular man was that you looked for on the ticket?—A. Stoffregen.

Q. You wanted to vote for him?—A. I wanted to see whether that was on the ticket. I heard there were some of them pasted, and I wanted to see if his name was on the ticket.

Redirect examination by Mr. Schalck:

Q. Was the name of Mr. Stoffregen on the ticket that you voted?—A. No, sir; not that I know of.

Q. Then you did not vote for Mr. Stoffregen?—A. No, sir.

DAVID P. BROWN.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

CHARLES ROGERS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Did you vote at the last general election in November, 1876?—Answer. Yes, sir.

Q. Where did you vote?—A. In the middle ward of the borough of Pottsville.

Q. Had you paid any State or county tax within two years before that election?—A. Yes, sir.

Q. Yourself?—A. Yes, sir.

Q. When did you pay it?—A. This election.

Q. How long before the election did you pay it? (Witness produces tax-receipt.) Is that your tax-receipt?—A. Yes, sir.

Q. To whom did you pay this tax?—A. Mr. Rogers, my father, paid it for me.

Q. You did not pay it yourself?—A. No, sir.

Q. Do you know, of your own knowledge, that your father paid it for you, except what he told you?—A. Yes, sir.

Q. You know that that tax was paid with other taxes by the Republican county committee?—A. No, sir; I do not know that.

Q. When did you get this receipt? When did your father give you that receipt?—A. Right after he paid the tax.

(No cross-examination.)

CHARLES ROGERS.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

E. J. CADWELL, being duly sworn accofding to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Did you vote at the last general election in November, 1876?—Answer. I did.

Q. You voted in the south ward of the borough of Pottsville, did you not?—A. Yes, sir.

Q. How long have you lived there?—A. Over a year.

Q. You were notified to produce your tax-receipts.—A. Yes, sir. (Witness produces receipts.)

Q. Have you paid any State or county tax within two years before the November election last?—A. There is an 1874 tax.

Q. That is the last State or county tax that you paid before the election?—A. Yes, sir; in 1874.

(Mr. Schalck, on behalf of incumbent, offered in evidence receipt, as follows:)

"POTTSVILLE, *September* 19, 1874.

"Received of E. J. Cadwell $1.50 for the county tax for 1874.

"JOHN BUCKLEY,
"*Collector.*

Q. That was the last State or county tax you paid until after the election?—A. Yes; that is all. I know the other tax was paid on the 27th of February, 1877 (produces receipt), except my borough tax, which I paid in January, 1877 (produces receipt).

Q. The election having been held in November, 1876, and this receipt of Buckley's being given in September, 1874, you have not paid a State

or county tax within two years before the November election of last year.—A. Does that make any difference?

Q. I ask you whether, according to this receipt, you have paid a State or county tax within two years of the last November election?—A. It must be within two years, must it?

Q. It is a plain matter of calculation.—A. No, I did not; this is the tax I counted on.

Q. It was on this tax-receipt of September 19, 1874, that you voted at the last election, and which you thought gave you the right to vote?—A. Yes, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Where do you live?—A. Corner of Eighth and Mahantongo streets.

Q. How long have you lived there?—A. I have lived there a year this last fall.

Q. Where did you live before that?—A. In Laurel street.

Q. How long did you live in Laurel street?—A. In the neighborhood of two years or so. I guess it was over two years.

Q. What is your business?—A. I am a carpenter by trade.

Q. Do you know John Buckley, the tax-collector, and the man that signed this receipt here?—A. I would not know him if I should see him now—I do not think so; I never saw him before.

Q. Can you tell us, after looking at this receipt, when you paid your tax for 1874?—A. I cannot tell the day, but it was in September, I think.

Q. Was that the date upon which you paid it?—A. I could not say; I do not remember.

Q. You paid the 1875 county-tax a few days ago; how did you come to pay that?—A. He came after it.

Q. Who came after it?—A. I do not remember the name, because I do not know the man; Keuntzler, I think it was.

Q. Where did he meet you?—A. He met me in the shop here.

Q. Tell us what he said.

(Mr. Schalck, on behalf of incumbent, objected.)

A. He asked me for the tax for 1875 and I paid him right away, and he said that I was the first man he met that had not said anything in regard to the tax. "This is the first time I have seen you and you have paid me right up." He said that he could not find me, and I think that is strange that the tax-collector could not find me in Pottsville.

Q. Was there anybody else with him?—A. No one else.

Q. I see you paid Bace or Fasoldt the same day; where did you pay him?—A. In the same place.

Q. Was he there before Keuntzler or afterwards?—A. Afterwards, I think.

Q. How far apart were they?—A. That I could not say; within a day or so.

Q. The receipts are both the same day.—A. Are they? Well, I do not remember at all (witness looks at receipts); it must have been the same day.

Q. Was he surprised that you paid also?

(Mr. Schalck, on behalf of incumbent, objected that it was immaterial.)

A. O, no; he did not say anything.

Redirect examination by Mr. Schalck:

Q. For whom did you vote for Congress at the last general election in 1876?

(Mr. Smith, on behalf of contestant, objected that the ballot is the best evidence.)

A. Is that required to tell who I voted for? Well, I voted the whole Republican ticket.

Q. Then, of course, you also voted for James L. Nutting, he being the Republican candidate for Congress?

(Mr. Smith, on behalf of contestant, objected.)

A. I voted the Republican ticket.

Q. Mr. Nutting being the Republican candidate for Congress, did you vote for him?—A. I voted the full ticket and I must have voted for him.

Q. You can give a positive answer whether you did or not?—A. Yes, I did.

Recross-examination by Mr. Smith:

Q. Did you look at your ticket and see if Mr. Nutting's name was on it?—A. Yes, sir, I did.

E. J. CADWELL.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

Edward E. Swallow, recalled and examined on behalf of incumbent, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you have your room in which you sleep?—Answer. Do you mean at the present time?

Q. At the time of the election.—A. I was sleeping at a room in the American House.

Q. The American House is a large building, where rooms are rented out, and was formerly a hotel?—A. Yes. I had rented one of those rooms.

Q. And you occupied that room at the time of the election?—A. I occupied the room; that is, I slept there.

Q. And you had so occupied it for a long time before the election?—A. I had occupied that room as long as I had been taking my meals at 387 South Centre street—since I considered my residence at 387 South Centre street.

Q. How long did you call that your residence?—A. I stated yesterday that I had resided at 387 South Centre street since the 30th of September, 1874, and I slept at the American House for the first time the night previous to that day. I went to the American House on the evening of the 29th and to 387 South Centre street early the next morning.

Q. From that time until the time of the election, and for some time afterward, you continued to live under that arrangement?—A. Yes, until within two or three weeks ago.

Q. At the room you had rented at the American House you had your clothing, and bedding, and trunks, and all your property?—A. I had my property and my bedding, and I rented the furniture; I had a portion of my furniture and I had my trunks there.

Q. It was the place where you slept, and where you spent your evenings and your spare time, about as much as if had been your regular home?—A. I cannot say, exactly; I spent some time there and I spent time at both places.

Q. The time you spent at 387 South Centre street was the time you were there for meals, and such length of time as you saw fit to stay there and converse and entertain other parties?—A. Not necessarily to entertain the other parties; but I considered that I had a home there and a residence there.

Q. You never slept there?—A. I never spent a whole night there; I have slept there.

Q. You got your washing done where you slept, did you not?—A. My washing was done by a colored woman, who came and took it from my room.

Q. This American House building is on the other side of the street, and is in the southeast ward of the borough of Pottsville.—A. Yes; it is in the southeast ward.

Q. All the residence you had at 387 South Centre street was that you took your meals there?—A. No, sir; that is not the only thing I did there.

Q. What else did you do there at 387 South Centre street that would warrant you in calling it your home?—A. Besides my taking my meals, I considered that my permanent home, where I might be found regularly, and the place I intended to make my home, and to make my permanent place of stopping, and where I expect now to be as long as I am in Pottsville; that is, unless the parties there should move. I considered that my room was a place that might be changed anywhere.

Q. Could not a place for you to take your meals be changed as well as your room?—A. I suppose it could be, but it was not, and it was not intended to be, and I considered myself a member of the club, and was in the house.

Q. A member of what club?—A. It is a club of gentlemen who room in that house and eat there.

Q. And the other gentlemen room and sleep in that house, and make it their home to all intents and purposes?—A. Yes, sir.

Q. You formed an exception to the rule by having your home in another place?—A. I had another room in another place, because there was no room in that house.

Q. You now have a room at that house?—A. I am stopping away from the house at present; at the present time I am not at the American House.

Q. Have you a room at 387 South Centre street?—A. No, sir; but I take my meals there, and consider my residence there, as I did before.

Q. Was that room which you rented in the American House a furnished room?—A. Yes; it was a furnished room.

Q. And the proprietor of the American House had some one to keep the room in order and to attend to all the necessary matters as much as if it was a regular hotel?—A. Not as much as a regular hotel; everything was not taken care of. The fire, for instance, that was my own, and entirely provided by myself.

Q. In other respects you occupied that room and lived in that room as you would in another hotel?—A. With the exception of the fire and light, during a portion of the time, and eating.

Q. The American House is conducted by the same landlord as the Pennsylvania Hall?—A. Yes, sir.

Q. It is a sort of branch establishment of the Pennsylvania Hall?—A. A branch in the sense that these rooms are rented out to private individuals for sleeping purposes merely.

Q. The only difference between the Pennsylvania Hall and the American House is that the parties who stop at the American House do not

take their meals at the house they stop at, but take their meals at other places?

(Mr. Smith, on behalf of contestant, objected to the question as leading.)

A. The rooms have been rented by conductors and others, who stay one to two nights in a week, or three nights a week possibly, and by a telegraph-operator, who spends a portion of his time there, and by a colored family, who take care of the rooms, and myself. I think that was all; and there was another, I believe, a man who acted as constable, Mr. Haughawont, also had a room there which he was in during the night.

Q. Those that you spoke of were transient, but it was a permanent place for you?—A. It was not a permanent place for me, only I had the room for so much a week. I suppose I could have left it at any time by giving notice.

Q. But while you were there it was your regular place of abode?—A. It was my sleeping-place, and I think I have stated the reason; I have slept there, and took my meals at the house, and considered that my permanent place. The American House I would have changed, but I considered 387 South Centre street as my permanent residence.

Q. You roomed at the American House and took your meals at the other house—that is the substance of it?—A. Yes, sir.

Q. If you had been taking your meals at a hotel and rooming at the American House, would the hotel where you took your meals or the room be your home?—A. That is a different case; I don't know what I would consider in that case; I might not be permanently located in the hotel; but in this case I considered 387 South Center street as my residence.

Q. Are you a single man?—A. Yes, sir.

Q. And the other gentlemen that you spoke of as belonging to the club are also single gentlemen?—A. They are all single gentlemen.

Q. They roomed at the club-house and you did not; that is the difference?—A. Yes, sir; and I did not simply because there was no room for me there; it was the intention for me to come there as soon as there was an opportunity.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Of how many did your club consist?—A. It consists of five gentlemen.

Q. They have rented the house—they rented this place 387 South Center street?—A. They rented it indirectly through another person, who acts as business manager. I do not know as I can say as they rented it; it was rented before I joined the club, and either they rented through these other gentlemen, or the other gentlemen rented it and they accepted the place as their abode.

Q. And the establishment is run on the mutual plan, and you all contributed?—A. We all paid a certain sum monthly to this individual who lives in the house and acts as the manager.

Q. From the time you went there it was understood that you should sleep there as soon as there was an apartment ready that you could occupy?—A. I think that was the understanding—I considered it so.

Q. You are all enjoying equal benefits, and have your parlors and meet your friends there?—A. Yes, I am on the same footing with the rest, except in this one particular, that I have no room there for the reason that I have stated; and I enjoy all the benefits of the house with

that exception—everything with the exception of the room; I have the benefits, &c., as if I slept in the house.

Q. And you claimed that as your residence?—A. Yes, sir.

Q. And you voted in the south ward, where you claimed your residence?—A. Yes, sir.

Redirect examination by Mr. Schalck:

Q. You say you contributed to the expenses of that club?—A. Yes, sir.

Q. Did you who did not sleep at this house contribute as much as those gentlemen who did sleep there?—A. No, sir; I did not.

Q. Then, of course, so far as the rooming in the house is concerned, the gentlemen who did room there paid for it?—A. Yes, they paid for that privilege beyond what I paid.

Q. For whom did you vote for Congress at the last general election in November, 1876?

(Mr. Smith, on behalf of contestant, objected that the witness is not proven an illegal voter, and cannot be asked to disclose for whom he voted.)

A. I voted for Mr. Nutting.

EDWARD E. SWALLOW.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

Examination adjourned until 2.30 p. m.

THURSDAY, *March* 8, 1877.

Afternoon session. Examination resumed at 2.30 p. m. Counsel for the respective parties both present.

SAMUEL R. RUSSEL, being duly sworn, according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. You live in the borough of Pottsville?—Answer. Yes, sir.

Q. In the south ward?—A. Yes, sir.

Q. And you voted on the day of the general election in November, 1876?—A. Yes, sir.

Q. Were you at the polls of the south ward nearly all that day?—A. Yes, sir.

Q. And you took a lively interest in the election held that day?—A. Yes, sir.

Q. Did you have any tax-receipts that day belonging to other people?—A. I may have had some.

Q. Did you not have quite a number there?—A. No, not quite a number; I had some; I do not remember how many.

Q. And those you gave out on that day as the people came up to vote?—A. No, sir; they were mostly given out before election.

Q. Those that you had on the day of election?—A. I do not think I gave any out on election-day, at all.

Q. Do you not remember that different parties came up to the polls and were challenged for non-payment of taxes, and that then you gave them the tax-receipt?—A. No, sir; I don't.

Q. Don't you remember any Republican voters being challenged for non-payment of taxes that day at the south ward polls?—A. I don't know that I can remember now of any. I remember of parties being

challenged, but I don't remember whether they were Republican or Democratic, particularly.

Q. Don't you remember that certain parties were challenged on account of the non-payment of taxes, and that you spoke to them in relation to their taxes?—A. I don't know; there may have been cases of that kind, but I am pretty positive I did not give any tax-receipts out on that day; I don't think I did.

Q. Do you know, or do you not know, that tax-receipts were given out that day to Republican voters?—A. No, sir; I don't know that I did; the tax-receipts were given out before election. It has been the custom in both political parties to pay the taxes of Democrats and Republicans, or to pay the taxes of their own party, and then notify the parties that the taxes have been paid, and give them their receipts.

Q. It is a custom practiced by both political parties in this county for some time?—A. Yes, sir.

Q. One about as much as the other?—A. Yes; only I think the Democratic party has a little the advantage of us, for they were not limited to time as the Republicans were.

Q. Do you not know that in this last campaign the Republicans had the advantage of having a great deal more money than the Democrats?—A. I don't know; they may have had more money, but they did not have the tax-collectors.

Q. I am told that a number of persons came to the polls to vote the Republican ticket who were challenged for non-payment of taxes, and thereupon they came to you or called upon you, or you called upon them, and took them aside somewhere, and they returned with their tax-receipts. What do you know of a transaction of that kind?—A. Persons may have been challenged for non-payment of taxes, but I don't know that anybody came to me and made any representation that I furnished them with tax-receipts, though it may have been possible, in one instance or two, but I do not remember of any persons.

Q. And you have no knowledge of any tax-receipts being given out on your side of the house that day?—A. Not that I know of at all.

Q. Of course, as you stated before, you know that the Republican party paid taxes for receipts during the last campaign?—A. Yes, sir.

Q. And the receipts were given to the parties just as you met them?—A. Yes, sir.

Q. Did you pay any of those taxes yourself?—A. With my money?

Q. No; but where you were instrumental in paying them?—A. Yes, sir.

Q. Do you know how many taxes you paid?—A. No; I could not tell you.

Q. Do you know how much money passed through your hands for the payment of taxes?—A. No, sir.

Q. Have you any idea how much money was used by the Republican county committee in paying taxes?—A. No, sir.

Q. Was that entirely left to the chairman, Mr. Chambers?—A. I believe so; he took charge of it.

Q. As I understand, it was a practice which was indulged in by both parties, not only in the borough of Pottsville, but in the county generally?—A. Yes, it was a general custom.

Cross-examination, on behalf of the contestant (reserving all exceptions and objections), by Mr. Smith:

Q. You said that you had not the advantage of the Democrats in the tax-collectors; do you mean to say that the different collectors of the

borough of Pottsville were Democrats?—A. I mean to say that Mr. John Buckley was a Democratic tax-collector; I don't know particularly about last year.

Q. What I mean is, you say they hadn't the advantage of the Democrats; do you refer to the politics of the tax-collectors?—A. I will say that you would have thirty days before election to pay your taxes, and the tax-collector used to generally stay to receive taxes, and I know if we went there about eleven or a quarter after eleven, the Democrats would wait until we were all through, and I do not think they were particular whether it was twelve o'clock or one or two o'clock the next morning when they got theirs paid, and which strictly speaking would be within thirty days of the election.

Q. You know that all the county and State collectors of the borough of Pottsville are Democrats?—A. Yes, sir.

Q. You were asked whether you had given out any tax-receipts or talked with anybody about their tax, and you replied that you did not remember of any; it is possible there might have been one or so; if you delivered any tax-receipts to anybody on election-day, had the tax for that receipt been actually paid for thirty days before election?—A. Yes; if I held a receipt for any person who was challenged and who wanted his tax-receipt on that day, and I had it, it was paid thirty days before election.

Q. And the tax-receipt was a genuine tax-receipt?—A. Yes; and only given to the party on that day, for the reason that he had not been seen before.

Redirect examination by Mr. Schalck:

Q. Do you mean to say that at the time previous to the last election when the tax should have been paid that any wrong or irregularity had been committed by any of the Democratic managers?—A. No, sir; I did not say that any wrong had been committed.

Q. You do not mean to say here that the Democratic tax-collectors or the Democratic politicians who had charge of the paying of taxes did anything wrong or illegal so far as the borough of Pottsville is concerned?—A. No, sir; and my only inference is from the time it took us to pay thirty or forty men's tax that they would not have sufficient time up to twelve o'clock to pay them.

Q. Do you not know, as a matter of fact, that the Democrats had paid most of their taxes in the early part of the day?—A. I know that they had not—from the list I got from Mr. Buckley.

Q. I suppose what you refer to was not on last year, but in previous years?—A. No, sir; nothing I have said here has any reference to the last election.

SAM'L R. RUSSEL.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM CULLEN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you reside?—Answer. In East Norwegian Township in this county.

Q. Did you vote at the last general election in November, 1876?—A. Yes, sir.

Q. In the township of East Norwegian?—A. Yes, sir.

Q. How long have you lived up there?—A. I have lived there in the neighborhood of six or seven years.

Q. Have you your naturalization-papers with you?—A. Yes. (Producing papers.)

Q. Is this your tax-receipt also?—A. Yes, sir.

Q. This is signed by William Comer, who was the tax-collector in that township for the year 1874?—A. Yes, sir.

Q. When did you pay that?—A. I do not know when I paid it; sometime in December, 1874.

Q. You have paid no tax since then?—A. Yes; I did not, but my wife did.

Q. Have you the tax-receipt?—A. He did not give her any tax-receipt. He gave her a piece of a note on account, and my woman paid him five dollars. I think it was last September. I was not there to get a tax-receipt from him, and consequently he left her only an acknowledgment for the five dollars.

Q. What was the five dollars for?—A. Well, I calculated to pay my personal tax, and the woman paid it to him, and he just gave her the acknowledgment, and she did not say any more to him only that.

Q. That was in September of last year?—A. In September of last fall.

Q. And Comer collected the three taxes, county, school, and road?—A. Yes, sir.

Q. You were at the poll of East Norwegian Township on the day of election?—A. Yes; a part of the day—in the afternoon.

Q. You were giving out tickets on that day?—A. Well, I had some tickets that day.

Q. What kind of tickets were they?

(Mr. Smith, on behalf of contestant, objected.)

Q. Did you, among others, give out a ticket to James Sweeney?—A. Yes; I did.

Q. Tell us what kind of a ticket it was.

(Mr. Smith, on behalf of contestant, objected.)

A. In regard to that I cannot tell you. I took the ticket out of my pocket and gave it to James Sweeney, and did not open it.

Q. And Sweeney did not open it there?—A. I do not think he opened it until he put it into the window.

Q. You know what kind of a ticket you had in your pocket?—A. I would know, but I did not open the ticket to look. I could not say.

Q. You had only one class of tickets in your pocket?—A. Yes; I had two classes.

Q. What do you mean by two classes?—A. I had Republican and I had Democratic tickets.

Q. Did you give out Democratic tickets to people to vote?—A. I cannot swear whether I did or not give out full Democratic tickets; that I cannot swear to.

Q. Do you not remember that you were electioneering on that day for Mr. Nutting and the Republican candidates?—A. I was there at the polls, but I did not electioneer or ask anybody to vote; but this man asked me to vote, and I gave him a ticket.

Q. Do you not know what kind of a ticket you gave him?—A. I could tell you so much as this, the one I thought it, but I did not open the ticket at the time I gave it to him. I could only give you what I thought it was.

Q. Did you have the two classes of tickets in the same pocket?—A. No; I don't believe I had.

Q. You had them in separate pockets?—A. Yes; I had.

Q. They were not straight Democratic tickets, but Democratic tickets with pasters on?—A. I think so.

Q. Was not Mr. Nutting's name pasted over Mr. Reilly's in this ticket?—A. I think so, to the best of my knowledge.

Q. You did not give out any tickets for Reilly on that day?—A. No; I do not know as I did. I do not think I did. I do not think I gave any tickets on that day but what I gave to Sweeney.

Q. Do you not know that the ticket you gave to Sweeney had the name of James L. Nutting for Congress on it?—A. It was supposed so, but I did not open it.

Q. Do you not know that every ticket you had had the name of Mr. Nutting on it?—A. No, sir; I could not swear that.

Q. Do you mean to say that you gave out a single ticket with Mr. Reilly's name on?—A. I do not think I gave out any ticket but the one I gave to Sweeney—yes, I did, I gave some Republican tickets out. I think I gave two Republican tickets out to parties that wanted them.

Q. Was not the ticket you gave to Sweeney a Republican ticket?—A. No, sir; not to the best of my knowledge.

Q. But Mr. Nutting's name was on for Congress?—A. Yes; I believe that such was the case.

Q. You think it was the case; have you any reason to believe it was not the case?—A. I do not know as I have; but I did not open it at the time I gave it to Sweeney.

Q. You had no tickets in your pocket that you gave out, except tickets with Mr. Nutting's name on for Congress?—A. I could not say; I cannot say whether I had any tickets in my pocket that had not his name on or not.

Q. The tickets that you had, where did you get them?—A. I got those tickets from Mike Mackey.

Q. All the tickets you gave out, are tickets you got from Mike Mackey?—A. No, sir; not all; I had some Republican tickets in my pocket.

Q. What kind of tickets were they you got from Mike Mackey?—A. I think that Mr. Nutting's name was on them.

Q. The tickets that you got from Mackey were Democratic tickets, except that Nutting's name was on them for Congress in the place of Reilly's?—A. I think so.

Q. Did you not examine them before you put them into your pocket?—A. I do not think I looked at any ticket except what I voted myself.

Q. And you took it for granted that the rest were all the same kind?—A. Well, I did.

Q. And that they all had Nutting's name on?—A. I cannot say; I I did not open them all.

Q. Is not that so, that you believe——?—A. It might be supposed to be so.

Q. It was your intention to give out Nutting's tickets?—A. Yes; it was; but I did not open the tickets.

Q. And that was your intention, and you do not know that you did anything contrary to your intention?—A. No, sir; I do not know as I have.

(Mr. Smith, on behalf of the contestant, objected to the foregoing testimony as to its relevancy and competency, and declines to cross-examine.)

WILLIAM CULLEN.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE, *Notary Public.*

JAMES WILLIAMS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Tell us whether you voted at the last general election, in November, 1876?—Answer. No, sir.

Q. Where do you live?—A. I live here in town. I am always in town.

Q. Whereabouts in Pottsville did you live last year?—A. I lived always up at the gas-house. I just came up from the poor-house; I have been in all the winter down there, and I came up here to-day.

Q. How long did you live at the gas-house?—A. I have been there three or four years, but some years ago I used to stop down here on Railroad street, at Bill Reese's.

Q. Do you remember when the election was last year?—A. O, I remember about all elections.

Q. Do you remember about the elections last year?—A. Yes; right well.

Q. Where were you on election-day last year?—A. I just forget that; may be I may have been away, but I did not stop long away out of town.

Q. Have you any tax-receipts with you?—A. O, yes; but times have been hard.

Q. Did you pay any tax last year?—A. O, indeed I did; before the last election I had paid; I was poor at the same time.

Q. When did you pay your last tax?—A. I guess it is about a year or over a year ago now.

Q. Who did you pay it to?—A. Somebody came to me, I don't know; I forget who I paid it to.

Q. Did he give you a receipt?—A. They didn't amount to much to me, for I lose them pretty quick.

Q. Who was there when you paid the tax?—A. There is William Reese; I did not live with him, but I stop overnight with him once in a while when I call up. I did not regularly no place. I have been here forty-five years in town.

Q. What kind of a place at the gas-house did you have?—A. I nailed up a little bedstead for myself. I worked there and helped them at night, and they keep me; and I worked around and they pay me.

Q. All you had there was you fixed up a couple of boards there for you to sleep upon, did you not?—A. O, yes; they found that for me. Mr. Boone found that for me. I can just get my bread myself.

Q. When had you been at the poor-house before?—A. Not this two years before this winter.

Q. Up at the gas-house where you live you had no room and no accommodations there?—A. I can accommodate myself right there. I have a little bunk to lay on and sleep on.

Q. You are sure you did not vote at the last election, in November, 1876?—A. I did not vote; I did swear to it, and I am still satisfied I did not; that is the honest truth.

Q. I mean at the big Presidential election?—A. No; I was down in the poor-house at that time.

(No cross-examination.)

his
JAMES + WILLIAMS.
mark.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

MOSES BROWN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you live?—Answer. In Minersville street.

Q. That is in the northwest ward of the borough of Pottsville?—A. Yes, sir.

Q. Did you vote in that ward at the last November election?—A. Yes, sir.

Q. How long have you lived there?—A. I have lived there since 1874; I came from Wilkesbarre in May, 1874, and I have been living there ever since.

Q. You were notified to produce your tax-receipts?—A. Yes, sir. (Producing papers.)

Q. When did you pay your last tax?—A. This last October.

Q. Who did you pay them to?—A. Mr. Bace.

Q. Did you pay that yourself?—A. No, sir; my wife paid it for me; I was tired; I was coming from work, and it was Saturday night after I came from work.

Q. How long before the election?—A. Indeed I could not tell you that. I got his receipt there the same night.

Q. You got Bace's receipt the same night?—A. Yes, sir.

Q. Did you pay any tax to Kuentzler, the other tax-collector?—A. I do not know; he was tax-collector in 1875.

Q. But did you pay any tax to Kuentzler?—A. I did not pay any to him.

Q. You have a tax-receipt there dated October 7, 1876; did you pay that?—A. I think that was handed to me in the northwest ward; I do not remember of paying that receipt.

Q. This one to Kuentzler you did not pay yourself?—A. I do not think I did; it was handed to me on election; I do not know who paid it.

Q. Do you remember who handed it to you?—A. No, sir.

Q. Do you remember whether it was Henry Miller that gave it to you?—A. It was some person in Sheets' tavern; there was some election going on that night; some borough election.

Q. This receipt, dated October 7, 1876, and signed by F. C. Kuentzler, for your county tax for 1875, you did not pay yourself, but it was handed to you, and by whom you do not now recollect?—A. I think I recollect; I think I met him; I do not know whether it was Kuentzler or Roth; I do not remember where I got that.

Q. You did not pay a tax on the same day—the same day that you gave the tax to Mr. Bace you did not pay it to Mr. Kuentzler?—A. No, sir.

Q. If it was paid on the seventh of October, then it must have been paid by some one else?—A. Yes, sir.

Q. And the receipt handed to you afterward?—A. Yes, sir.

(It is admitted that the tax-receipt which the witness shows and says that he himself paid is dated, and was delivered to him, on the 7th of October, 1876.)

(No cross-examination.)

MOSES BROWN.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

JAMES LAFFERTY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you live?—Answer. In the middle ward.

Q. You voted in the middle ward at the last November election?—A. Yes, sir.

Q. Produce your tax-receipts which you were notified to produce.—A. (Producing papers.)

Q. The receipt you produce here is your tax-receipt?—A. Yes, sir.

Q. Did you pay this yourself?—A. I do not recollect whether my wife paid this or whether I paid it.

Q. It was not paid by any one else for you?—A. No, sir.

Q. Are you a native of this country?—A. Yes; born in Philadelphia.

(No cross-examination.)

his
JAMES + LAFFERTY.
mark.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE,
Notary Public.

ALBERT LEVY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you live?—Answer. In the middle ward.

Q. In the borough of Pottsville?—A. Yes, sir.

Q. Did you vote there at the last November election?—A. I did.

Q. How long have you lived there?—A. For the last twenty years.

Q. Have you your tax-receipts with you?—A. I have here for 1876 (producing papers).

Q. This is your tax-receipt, dated October 7, 1876, for the amount of the county-tax for 1876?—A. Yes, sir.

Q. Did you pay this yourself?—A. I did not.

Q. Who paid it?—A. That I don't know; I got it at the headquarters of the Republicans.

Q. When did you get it?—A. About a week before election.

Q. You do not know who paid it?—A. No, sir; I do not know who paid it.

Q. How did you come to go there to get it?—A. They sent for me, and I went down there, and they gave it to me.

Q. Did they tell you they had paid it?—A. Yes; they said it was all right; that I could vote.

Q. You did not ask any of them to pay it?—A. No, sir; it was paid without my knowing it.

Q. And you never refunded the money, or paid it yourself?—A. No, sir.

Q. And never were asked to do it?—A. No, sir.

Q. For whom did you vote for Congress at the last general election, in November, 1876?

(Mr. Smith, on behalf of contestant, objected to the question that it is immaterial.)

A. I voted legally, and there is no use of telling.

Q. It is a question whether your vote is legal or not, and I think you must answer the question.—A. I voted for Mr. Nutting.

Q. That is the only tax-receipt you have?—A. Yes, sir.

Q. Outside of that tax, you have not paid and there has been no tax paid for you for two years prior to the last election?—A. No, sir; I was not assessed, and have been out of town.

(No cross-examination.)

A. H. LEVY.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE, *Notary Public.*

WALTER S. MATHEWS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you live?—Answer. Up in West Norwegian street.

Q. That is in the middle ward.—A. Yes; in the borough of Pottsville.

Q. Did you vote in the middle ward at the last general election in 1876?—A. Yes, sir.

Q. You have been notified to produce your tax-receipts; have you them with you?—A. I have none.

Q. Never paid any tax?—A. No, sir; never paid any tax.

Q. How old are you?—A. I will be twenty-two the 18th of this month.

Q. When were you twenty-one?—A. Last year—in March, 1876.

Q. Did you vote on age at the election?—A. Yes, sir.

Q. Did you make any affidavit or swear that you were between twenty-one and twenty-two years of age?—A. Yes; I swore I was between twenty-one and twenty-two years.

Q. Was there anybody there to swear for you?—A. No, sir.

Q. You swore yourself, and had no other witness?—A. No, sir.

Q. How do you know what your age is?—A. I know it by my parents and by the Bible.

Q. Is your father living?—A. No, sir.

Q. Is your mother living?—A. Yes, sir.

Q. Did she tell you you were twenty-one?—A. O, I know it myself.

Q. When were you first told what your age was?—A. I don't know; I knew it ever since I was a little boy, when I was born anyhow.

Q. You were born here?—A. I was born in 1855.

Q. Born in this country?—A. Yes, sir.

(No cross-examination.)

his
WALTER S. + MATHEWS.
mark.

Sworn and subscribed before me this 8th day of March, 1877.

C. LITTLE, *Notary Public.*

Examination of further witnesses was then adjourned until to-morrow morning at nine o'clock.

FRIDAY, *March* 9, 1877.

Morning session. Examination resumed at 9 a. m. Counsel for respective parties both present.

CHRISTIAN SCHEIFER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where?—A. In the middle ward of Pottsville.

Q. You were subpœnaed to bring your naturalization-papers and tax-receipts; have you got them with you?—A. No, sir; I got no tax-receipts. I paid tax, and the woman who got it for me, at the time I worked for Jacob Hill, she lost it. I had a receipt for 1873 and 1874; and I worked for that man two years, and he paid tax for me.

Q. You had receipts for 1873 and 1874?—A. Yes; I showed them down in Mount Carbon when I voted there.

Q. That was the last receipt you had?—A. Yes, for 1874.

Q. Have you got your citizen-papers with you?—A. No, sir.

Q. Where were you born?—A. I was born in the old country.

Q. In Germany?—A. Yes, sir.

Q. How old were you when you came to this country?—A. I was nineteen years old.

Q. Where are your citizen-papers?—A. I did not get no papers; when I came home from the war I went to the fellow, and he said he had no time to bother with me, and I did not get up there any more.

Q. Where did you live at time of the election?—A. At Mr. Heffner's, in the middle ward of Pottsville.

Q. For whom did you vote; do you know?—A. I could not tell you that. I came home in the evening, and I had only about ten minutes time to come down to vote, and I was in a hurry.

Q. Who did you get your ticket from?—A. Mr. Heffner.

Q. The old gentleman?—A. Yes, sir.

Q. Did he tell you for whom he wanted you to vote?—A. No, sir; he did not say a word, and I took the tickets in my hand and went right off.

Q. Do you know whether it was Republican or Democratic?—A. I don't know; I did not ask him yet.

Q. Can you read?—A. I cannot read English.

Q. Then you cannot tell for whom you voted?—A. No, sir.

Cross-examination on behalf of the contestant (reserving all exceptions and objections) by Mr. Smith:

Q. How long did you serve in the Army?—A. Three years and three months, in the Forty-eighth Pennsylvania Regiment; Colonel Siegfried was our colonel at one time.

Q. That was during the rebellion?—A. Yes, sir.

CHRISTIAN SCHEIFER.

Sworn and subscribed before me this 9th day of March, 1877.

C. LITTLE,
Notary Public.

DANIEL MCKINZIE, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Where do you live?—Answer. Saint Clair.

Q. Did you vote at the last November election?—A. Yes, sir; in the middle ward of Saint Clair.

Q. How long had you lived in the middle ward of Saint Clair up to the day of election?—A. I have lived there about from four to five months.

Q. In the middle ward?—A. Yes, in the middle ward.

Q. Can you tell us in what month you moved into the middle ward?—A. I could not exactly tell you. I think it was some time in May, if I am not mistaken; to the best of my knowledge.

Q. You were subpœnaed to bring your tax-receipts; have you got them with you?—A. Yes; all but 1876, and that I have not paid yet.

Q. Are you a married man?—A. Yes, sir.

Q. Is your place of business and your house together?—A. Yes, sir; but I do not sleep now where I was then. I moved on the sixth of November from the middle ward into the north ward, only I kept possession of the house.

Q. On the sixth of November you moved from the middle to the north ward?—A. Yes, a temporary moving.

Q. Did you move your family?—A. I moved my family to my mother-in-law's until I got a house in the same ward.

Q. You moved your furniture and everything?—A. No, sir; I did not move all my furniture; I moved part of it.

Q. You moved with the intention of making your mother-in-law's your residence for the time being?—A. Yes, until such time as I could get a house in the same ward.

Q. Then your family did not reside in the middle ward on the day of election?—A. No, sir.

Cross-examination on behalf of contestant (reserving all objections and exceptions) by Mr. Smith:

Q. Your family went to your mother-in-law's house just to stay there until you got another house?—A. Yes, until I got another house.

Q. You did not rent from your mother-in-law with a view of staying there?—A. No, sir; I did not rent anything; only just moved the family temporary there, until I got another house in the same ward. It was a forcement that made me move out of the house at the time I did. It was on account of the terms of the landlord that I moved out of the house where I was.

Q. You got another house immediately after the election, or on the day of the election?—A. No; on the 9th or 10th, after election, to the best of my knowledge now.

Q. That is, one or two days after the election?—A. Yes, sir.

Q. You are a barber?—A. Yes, sir.

Q. And the reason you wanted a house in that ward was because that is the center of the town, where the business is?

(Mr. Reilly, on behalf of the incumbent, objected to the counsel stating the reason, and that it is leading.)

A. The reason was that it was the best business portion of the town for my purpose.

Q. You could have got a house in some other ward at any time?—A. Yes, in either of the other wards I could have got a house at the time.

Q. But you declined taking those because you wanted to live and have your place of business in that ward?—A. Yes, sir.

Q. You at no time intended to change your residence from the middle ward?—A. Yes, sir.

Q. You have your family back again in the middle ward?—A. Yes, a little south of where I lived before.

Q. But very near the same neighborhood?—A. Very near the same neighborhood.

Q. You paid your tax for 1875?—A. Yes, sir.

Q. Your county and State tax?—A. Yes, sir.

Q. And you have your receipt here showing that fact?—A. Yes, sir.

Redirect examination by Mr. Reilly:

Q. If you could not have got a house to suit you in the middle ward after you moved your family up to your mother-in-law's, you would have

made that your residence until you could have got a house?—A. Yes, until such time as I got a house, but I could have got a place to do my business in the middle ward at any time.

Q. And the fact is that your residence was not in the middle ward on the day of election?—A. No, sir; no more than I had possession of the house and part of my furniture was there.

Recross-examination by Mr. Smith:

Q. You say your actual residence was not in the middle ward: explain whether you claimed your residence in the middle ward or not, and that your family was only temporarily from the ward until you could be accommodated?—A. So far as that goes, my intention was to have my residence in the middle ward, and I voted and claimed that my residence on that day, or else if I did not I should not have voted there.

Redirect examination by Mr. Reilly:

Q. For whom did you vote for Congress at the last November election? (Mr. Smith, on behalf of contestant, objected.)
A. For Colonel Nutting.

DANIEL McKINZIE.

Sworn and subscribed before me this 9th day of March, 1877.

C. LITTLE,
Notary Public.

W. L. DREBER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the last November election?—Answer. Yes, sir.

Q. Where?—A. At Auburn, Schuylkill County.

Q. Where did you live at the time?—A. In Auburn.

(Mr. Smith objected, on behalf of contestant, to the examination of this witness because his residence is not set forth in the notice.)

Q. In reply to my question, you stated that you lived at Auburn at the time of the election. Do you wish to correct that?—A. Yes, sir.

Q. State how you wish to have it on the record?—A. At the time of the election I lived in West Brunswick, and voted in Auburn.

Cross-examination on behalf of the contestant (reserving all exceptions and objections) by Mr. Smith:

Q. How long have you lived in Auburn, in all?—A. I have lived in Auburn about six years.

Q. What is your business?—A. A telegraph operator, at Auburn.

Q. Where did you board in Auburn during that time?

(Mr. Reilly, on behalf of incumbent, objected unless it was within a period that would entitle him to vote.)

Q. Did you eat at home?—A. Yes, sir.

Q. Where did you get your eating?—A. During the election time I got my eating in West Brunswick.

Q. Where did you get your eating before you got it in West Brunswick?—A. In Auburn.

Q. Where?—A. At John Frazer's, at the Eagle Hotel, in Auburn.

Q. Up to what time did you board at the Eagle Hotel?—A. Up to the first of July, 1876.

Q. Then you got married?—A. Yes, sir.

Q. Where did you go to then—go to your wife's parents?—A. Yes, in West Brunswick.

Q. Take all your meals there?—A. If I could not get them there, I would take them in Auburn.

Q. Did you make that your home?—A. No, sir.

Q. You did not make it your home at your wife's parents' house?—A. No, sir.

Q. You only went there to get your meals, and to sleep there?—A. Yes, sir.

Q. Did you, when you went to your wife's parents, change your residence, so far as citizenship is concerned, or did you stop there just until you got a house or a place in the borough of Auburn?—A. Until I could get a house in the borough of Auburn.

Q. Then your actual residence had been in the borough of Auburn up to the 1st of July?—A. Yes, sir.

Q. And when you got married you then went and took your meals and slept at your wife's parents' house, which is in West Brunswick?—A. Yes, sir.

Q. And you only did that until such time as you could get a house in the borough of Auburn and go to housekeeping?—A. Yes, sir.

Q. You did not by so doing intend to change your residence to the township?—A. No, sir.

Q. You were assessed in the borough?—A. Yes, sir.

Q. And registered in the borough?—A. Yes, and paid my taxes in the borough and have the tax-receipts.

Redirect examination by Mr. Reilly:

Q. Do you live now in Auburn?—A. Yes, sir.

Q. When did you move there?—A. I moved into Auburn on the 17th of October.

Q. Then from the 1st of July until the 17th of October your residence was with your father-in-law in West Brunswick Township?—A. It was, providing I could not get a house in Auburn,

Q. You did not get a house?—A. No, sir; and that was the reason I was over there.

Q. You slept over there every night?—A. Sometimes I had to work at night.

Q. When you were not at your business you slept there at home with your wife?—A. Yes, sir.

Q. And took your meals there?—A. Yes, sir.

Recross-examination by Mr. Smith:

Q. You say you went to housekeeping in the borough of Auburn on the 17th of October?—A. Yes, sir.

Q. Then you did start housekeeping and did live in the borough of Auburn on election-day?—A. Let me see.

Q. The election-day was on the 7th of November?—A. [Referring to papers.] Yes, it was. I lived there when election was, in November.

Q. And you did move into the borough on the 17th of October?—A. Yes, sir.

Q. What do you mean—that you moved into the borough? Do you mean that you went to housekeeping?—A. Yes, sir.

Q. And you brought your wife along with you?—A. Yes, sir.

Redirect examination by Mr. Reilly:

Q. For whom did you vote for member of Congress at the last election in November, 1876?

(Mr. Smith, on behalf of contestant, objected.)

A. For Mr. Nutting.

W. L. DREBER.

Sworn and subscribed before me this 9th day of March, 1877.
C. LITTLE, *Notary Public.*

JAMES GRAY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you live?—Answer. In Schuylkill Haven.

Q. In what ward?—A. In the west ward.

Q. Did you vote there at the last general election in November, 1876?—A. Yes, sir.

Q. Are you a native of this country?—A. No, sir; I was born in Ireland.

Q. Have you your citizen's papers with you?—A. Yes, sir (producing paper); they were in the fire some time ago, but you can see that they are all right; they were got out in Orwigsburg, in this county.

Q. Have you also your tax-receipts here?—A. Yes, sir (producing receipts).

Q. Did you vote at the last general election?—A. Yes, sir.

Q. Did you take an interest in the election at that time?—A. Well, not so very much, but I took some interest on account of the President. I wanted to change the President.

Q. I believe you are a Democrat in politics and generally vote the Democratic ticket?—A. When there is a good man on either side. I do not know as ever I voted the whole Democratic ticket.

Q. As a general thing those are your politics?—A. Yes, so far as for President or so.

Q. Do you know anything about money being used for the Republican ticket in your ward or your neighborhood?

(Mr. Smith, on behalf of contestant, objected.)

A. I do not.

Q. Do you know of money having been distributed or given to any one to work or electioneer for the Republican ticket?—A. No living body, that I know of.

Q. Or for any candidate of the Republican ticket?—A. No, sir; for no candidate on the Republican ticket.

Q. Did you yourself receive any money to electioneer for the Republican ticket or any portion of it?—A. No, sir.

Q. No money at all?—A. No money at all.

Q. From anybody?—A. From anybody.

Q. Either a canditate or persons who were not candidates, but were taking an interest?—A. No, sir; nothing of that kind. I always paid my tax myself, and never took any tax-receipts from anybody, and voted for whom I pleased.

Q. Do you know of any friends of yours down there receiving any money from the Republicans?—A. No, sir.

Q. And no money was used that you know of either to secure votes or influence votes?—A. Not any that I know of.

Cross-examination, on behalf of contestant (reserving all exceptions and objections), by Mr. Smith:

Q. You are a naturalized citizen?—A. Yes, sir.

Q. And have paid your State and county taxes for the last two years?—A. Yes, and these last twenty-nine years.

JAMES GRAY.

Sworn and subscribed before me this 9th day of March, 1877.
C. LITTLE, *Notary Public.*

HUGH GRAY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Schalck:

Question. Where do you live?—Answer. In Schuylkill Haven.

Q. In the west ward of the borough of Schuylkill Haven?—A. Yes, sir, and I have lived there thirty years.

Q. Did you vote there at the last general election in November, 1876?—A. Yes, sir.

Q. Your politics are Democratic?—A. Yes, sir. I have only one word to say. I neither voted for one Congressman or the other; for neither Mr. Reilly or Mr. Nutting. I had my reasons for it, and that is how I voted.

Q. Do you know of the Republican party or any Republican candidates using money to secure votes in your neighborhood or in your ward?—A. Not to my knowledge.

Q. You do not?—A. No more than what was usual, that they came there and treated as in the old times, and I did not see what was the reason of their doing so.

Q. What I mean is whether any money or any other consideration was used to induce people to vote for the Republican candidates, or for any of them?—A. No, sir; no more than what I know by hearsay.

Q. You do not know of your own knowledge?—A. No, sir; I do not know anything about that.

Q. No money was given to any one that you know of?—A. No, sir; not that I know of—that is, to see it. I heard that there was; I could not swear to it myself.

Q. Was any offered to you to secure your influence for the Republican candidates?—A. No, sir; there was no money; but I was told there would be something done for me if I would do so, but I told them I would not vote for either one man or the other.

Q. What was to have been done for you?—A. I don't know, and as I was not going to earn it, I did not ask.

Q. There would be something done for you if you would use your influence for Colonel Nutting, the Republican candidate?—A. Yes, sir.

Q. And they did not tell you what they would do for you?—A. No, sir. I told them I would not use my influence on either side, so far as Congressman was concerned, this time.

Q. And that is where the matter ended?—A. Yes; I voted, but I did not vote for one of them.

Q. Did not do anything for either?—A. No; I had my mind made up for over a month before that, that I would not vote for Mr. Reilly; and I would not vote against him either.

(No cross examination.)

HUGH GRAY.

Sworn and subscribed before me this 9th day of March, 1877.

C. LITTLE,
Notary Public.

ADDIS KRAMER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the last November election?—Answer. Yes, sir.

Q. Where?—A. In Boyer's Hotel, Auburn.

Q. How long had you lived in Auburn before election-day?—A. I lived in the borough of Auburn for over twenty-one years.

Q. Was that your first vote?—A. Yes, sir.

Q. How old were you on election-day?—A. I was twenty-one years and three days; I was twenty-one on the 4th of November.

Q. What year were you born in?—A. In 1855.

Q. How do you know you were born in 1855?—A. That is the way they have got it down in the book; they have got all the rest down in the Bible.

Q. Did you not swear a few days before that that you were under twenty-one, in some lawsuit that you had?—A. No, sir.

(No cross-examination.)

A. KRAMER.

Sworn and subscribed before me this 9th day of March, 1877.

C. LITTLE,
Notary Public.

A. C. WOMER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Have you paid a State or county tax within two years of the November election?—Answer. Yes, sir.

Q. Yourself?—A. Yes, sir.

Q. Have you got your receipts?—A. Yes, sir (producing receipts.)

Q. Did you pay this yourself, or was it paid by the committee?—A. I did not pay it myself; I do not know who paid it.

Q. Who did you get the receipt from?—A. From Squire Hill.

Q. When did he give it to you?—A. I guess it was about a month before election, so far as I know.

Q. Did you have a receipt for the tax for 1875?—A. No, sir; I was in Indiana in 1875, and did not pay any.

Q. Was Mr. Hill one of the Republican standing committee?—A. I do not know anything about that.

Q. Did you ask him to pay your taxes?—A. No, sir.

Q. He just handed you this receipt, and that is all you know?—A. Yes, sir.

Q. You voted at the last election?—A. Yes, sir.

Q. And voted on this receipt?—A. Yes, I did; they did not ask me to show my receipt, and nobody challenged my vote.

Cross-examination on behalf of contestant, reserving all exceptions and objections:

Q. What is the date of that receipt?—A. The seventh of October.

Q. Who is that receipt signed by?—A. A. K. Bace, I think.

Q. He was the collector?—A. Yes, sir.

Q. It is how much?—A. One dollar and sixty-five cents county tax and building tax.

Q. For 1876?—A. Yes, sir.

Q. Mr. Bace is the collector of county and State tax for the borough of Pottsville?—A. Yes, sir.

Redirect examination by Mr. Reilly:

Q. For whom did you vote for Congress at the last general election in November, 1876?

(Mr. Smith, on behalf of contestant, objected that it is not pretended that the receipt is not a genuine receipt.)

A. For Mr. Nutting. A. C. WOMER.

Sworn and subscribed before me this 9th day of March, 1877.

C. LITTLE,
Notary Public.

Mrs. MARY ZIMMERMAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

(Mr. Smith, on behalf of the contestant, objected to the examination of this witness at this time and place, on the ground that the contestant has received no notice of her intended examination at this time and place.)

Question. You live in Pine Grove Township?—Answer. Yes, sir.

Q. Are you the mother of Albert Zimmerman?—A. Yes, sir.

Q. Where is he now?—A. He is out West.

Q. When did he go?—A. He went in December.

Q. Do you know whether he voted at the election last November?—A. I suppose he did.

Q. Did you hear him say that he had voted?—A. I did not. He was up at the election-poll, and that is all I know.

Q. How old was he? (Witness produces paper.) This is a certificate of his baptism?—A. Yes, sir.

Q. This sets forth that your son Albert was born on the 6th of September, 1854; is that right?—A. I suppose so.

Q. This paper is a record of the birth and baptism of Albert Jacob Zimmerman?—A. Yes, sir.

Q. Does your son generally go by the name of Jacob?—A. No, sir; by the name of Albert.

Q. You call him Albert instead of Jacob?—A. Yes, sir.

Q. Who wrote the date of his birth in that paper?—A. That I cannot tell any more.

Q. Do you know how long ago this was done?—A. No, sir; I cannot tell you.

Q. You do not know by whom this paper was filled up, or when it was filled up?—A. No, sir; but that is all true, that I know.

(No cross-examination.)

her
MARY + ZIMMERMAN.
mark.

Sworn and subscribed before me this 9th day of March, 1877.

C. LITTLE,
Notary Public.

CHARLES SHOENER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the last general election held in November, 1876?—Answer. Yes, sir.

Q. Where?—A. At Orwigsburg.

Q. You were subpœnaed to bring with you your tax-receipts for the last two or three years; have you got them with you?—A. No, sir; I have not.

Q. You have none?—A. No, sir.

Q. Have you paid any State or county tax within the last two or three years?—A. No, sir; last year they did not ask me for the county or

State tax. I paid my school-tax, but they did not ask me for the county or State tax. Last year I voted in West Brunswick.

Q. You mean the year before last November?—A. Yes, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. How old are you?—A. I am between twenty-five and twenty-six.

Q. How long have you lived in Orwigsburg?—A. I lived a year in Orwigsburg; on the 20th of next April it will be a year.

Q. Where did you live before that?—A. In West Brunswick Township.

Q. Did you pay any State or county tax there?—A. Last year do you mean?

Q. No; the year before that.—A. They did not ask me for it the year before last.

Q. You paid no tax last year?—A. No, sir.

Q. In 1876 you paid no tax?—A. No, sir.

Q. Why did you not?—A. I was there; I was not assessed; I did not know it; I came there to the poll, and they let me vote right away, and I thought I was assessed.

Q. And in 1875 you lived in West Brunswick?—A. Yes, sir.

Q. Did you pay any tax that year?—A. I paid no tax but school-tax.

Q. The school-tax you paid in 1875?—A. Yes, sir.

Q. Did you pay any tax in 1874?—A. I don't know; I don't recollect any more.

Q. Do you recollect whether you paid any tax in 1874 or not?—A. No, sir.

Q. Where did you live in 1874?—A. In this same place—West Brunswick.

Q. Are you a married man?—A. Yes; I have been married about a month or about three weeks.

Q. Then you cannot tell us for certain whether you paid a State or county tax within two years of the election last November?—A. No, sir.

Redirect examination by Mr. Reilly:

Q. You had not paid a State or county tax for 1876?—A. No, sir.

Q. Nor for 1875 in West Brunswick Township?—No, sir.

Q. Or any other that you know of?—A. No, sir.

Q. What is your best knowledge upon that subject, whether you paid a State or county tax in 1874?—A. I cannot recollect any more; that is truly so.

Q. Have you any recollection of paying a State or county tax since the 7th of November, 1874?—A. No, sir; I cannot recollect that I have.

Q. For whom did you vote for member of Congress at the last November election in 1876?

(Mr. Smith, on behalf of contestant, objected.)

A. For Nutting.

Recross examination by Mr. Smith:

Q. Did you read your ticket?—A. Yes, sir.

CHARLES SHOENER.

Sworn and subscribed before me this 9th day of March, 1877.

C. LITTLE,
Notary Public.

SAMUEL S. LEVENGOOD, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct-examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where did you vote?—A. At Orwigsburg.

Q. You were subpœnaed to produce your tax-receipts for the last two or three years; have you them with you?—A. No, sir.

Q. Have you any tax-receipts?—A. No, sir; I never paid any tax.

Q. You have not paid a State or county tax within two years of the last election?—A. No, sir; I have not paid any at all.

Cross-examination on behalf of the contestant (reserving all exceptions and objections) by Mr. Smith:

Q. How old are you?—A. I was twenty-two the 11th of last January, 1877.

Redirect examination by Mr. Reilly:

Q. What year were you born in?—A. I was born in 1855, January 11th.

Q. Did you not vote at the election the year preceding last November, in November, 1875?—A. No, sir.

Q. Did not vote at that election?—A. No, sir.

Q. The vote at the last election was your first vote?—A. No, sir; that was my second vote. I voted down at the borough election.

Q. It was your first vote at a general election?—A. Yes, sir.

SAMUEL LEVENGOOD.

Sworn and subscribed before me this 9th day of March, 1877.

C. LITTLE,
Notary Public.

JACOB HEBERLING, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where?—A. In Pine Grove Township.

Q. How old are you?—A. Twenty-one.

Q. When were you twenty-one?—A. I was born when Buchanan was elected as President; the leaf was torn out of the book, so I don't know.

Q. What month of the year were you born?—A. In March of that year.

Q. In March, 1856?—A. I think so.

Q. When were you twenty-one; this month?—A. I believe, but I don't know.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Were you twenty-one when you voted?—A. No, I was not.

Redirect examination by Mr. Reilly:

Q. For whom did you vote for member of Congress at the last election?—A. I don't know; Bill Lerch gave me that ticket and told me to vote it.

Q. Do you know what was on the ticket?—A. Yes, I know what the first name was.

Q. What was it?—A. It was Hayes. It was the same ticket that had Hayes's name on it. My bubby, who was with me and tended for Larch,

said it was a Republican ticket, but it would not make any difference to me.

Q. Can you read at all?—A. No, I did not read the ticket; the ticket was folded up and handed in, and a mark was made upon it and that was all.

Q. It was a Republican ticket?—A. As my bubby informed me, it was a Republican ticket.

Recross-examination by Mr. Smith:

Q. You do not know whether it was a Republican or Democratic ticket?—A. No, sir.

his
JACOB + HEBERLING.
mark.

Sworn and subscribed before me this 9th day of March, 1877.

C. LITTLE,
Notary Public.

HENRY DRUMHELLER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the last election in November last?—Answer. I did; yes, sir.

Q. Where?—A. At Landingville.

Q. You were subpœnaed to bring with you your tax-receipts? Have you got them with you?—A. I have receipts here, but they are not from this State. (Producing papers.)

Q. You have not paid a State or county tax in this State within the last two years?—A. No, sir; I was not asked for any.

Q. How long had you been living at Landingville at the time of the election in last November?—A. I came here from the West. I guess it was last Christmas two years, to the best of my knowledge, and had been living at Landingville all the time up to the election.

Q. Did you pay these receipts before you came back here?—A. I sent the money out and they sent me the receipt.

Q. Here is one dated May 14, 1875, for $10.48; did you pay that out there?—A. No; I sent it on to my agent. I always have an agent there.

Q. Were you born in this country?—A. Yes, sir; near Landingville, and was brought up there, and have lived there all the time except six years I lived out West, and then I traveled around.

Cross-examination on behalf of contestant, reserving all exceptions and objections:

Q. When did you pay the last State or county tax in Schuylkill County?—A. I cannot recollect that any more.

Q. As near as you can recollect, did you pay any in 1874?—A. No, sir.

Q. You paid no State or county tax in the State of Pennsylvania in 1874, 1875, or 1876?—A. No, sir; there was none asked of me.

Redirect examination by Mr. Reilly:

Q. For whom did you vote for member of Congress?—A. I voted for Mr. Nutting.

H. DRUMHELLER.

Sworn and subscribed before me this 9th day of March, 1877.

C. LITTLE,
Notary Public.

GREGORY ROTHMUND, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. State whether you are assessor of Pine Grove Township?—Answer. Yes, sir.

Q. And was for the year 1876?—A. Yes, sir.

Q. You made an assessment and registry of voters in the township for last year?—A. Yes, sir.

Q. Do you know Albert Zimmerman?—A. Yes, sir.

Q. He is a son of Mrs. Mary Zimmerman?—A. Yes; he lived in my house.

Q. You may state whether or not he was assessed.—A. He was not assessed. Albert J. Zimmerman was his name.

Q. Did you hear him say whether or not he had paid a State or county tax?—A. He did not say that, but I asked him if I should assess him, and he said, "You need not assess me, for I don't know how long I stay here; but if I stay here to election I will vote on age," and then I did not assess him.

Q. Did he say anything about if he was assessed he would have to pay the tax?—A. No; he did not say anything about that.

Q. Do you know whether he voted at the last election?—A. Yes; I know he voted.

Q. You were at the polls and saw him vote?—A. Yes, sir.

Q. Did you hear him say how he voted?—A. He voted the Republican ticket. He told me how he voted.

Q. What did he say as to how he voted?—A. He sometimes blackguarded me that my vote would not help much; that his vote would strike mine down.

Q. How did you vote?—A. I voted the Democratic ticket.

Q. Is there any other Alfred or Albert Zimmerman in that township that you know of?—A. No.

Q. Is he known by the name of Alfred as well as Albert?—A. He is always called Al Zimmerman.

Q. Do you know Henry Boston?—A. I do not know him. I only saw him once that I know of.

Q. Do you know whether he was assessed or not?—A. I know that he is not assessed.

Q. Do you know whether he voted at the election or not? Were you at the polls and saw him vote?—A. No; I did not.

(Mr. Smith objected, on behalf of contestant, to testimony about the assessment that the records are the best evidence.)

Q. Have you got your assessment-book here?—A. No, sir; I have not. I have to send them away as soon as I am done with them.

Q. Did you not have a conversation with Boston after the election about assessing him?—A. After the election I made the triennial assessment, and then I seen him, and I asked the man who was along with him what kind of a man that was. This man Boston works for Nelson Knapp, and I asked Nelson Knapp who that man was, and he told me that he was his workman—his hostler. Then I asked Nelson Knapp whether this man Boston, who was an Englishman, was old enough to be assessed, and he said, "Yes; anyhow, he voted."

(Mr. Smith, on behalf of contestant, objected to hearsay evidence.)

Q. Was Boston present?—A. Yes; Boston was present. I then assessed Boston on the triennial assessment, but the election had already been held.

Q. That was the first time that Boston was assessed?—A. Yes; the first time I saw him that summer.

Q. Did you talk to Boston at that time?—A. Yes, sir.

Q. Did he say anything about having voted?—A. Yes; he said, "I voted."

Q. At the previous November election?—A. Yes, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Mr. Boston talked English?—A. Yes, sir.

Q. And you and Mr. Knapp talked Dutch?—A. Yes, sir.

Q. You do not know whether Mr. Boston understood any German or not?—A. No, sir; I do not know.

Q. You say you asked Zimmerman whether you should assess him?—A. Yes, sir.

Q. And he said he did not think it was worth while, that he was going away?—A. Yes, sir.

Q. Did you assess him?—A. No, sir.

Q. Do you not know that the law requires you to assess everybody you find in the township?—A. Yes; I know that.

Q. Why did you not do it?—A. I will tell you one thing; I went around and assessed a good many, and I made two days in my bill to the commissioners, and the commissioners said they would only allow me two days to sit at the public house and that I need not walk around.

Q. The commissioners said it was your duty to go to the public house two days and that is all you had to do to make the triennial assessment?—A. No; the additional assessment.

Q. This was not when you went around with the triennial assessment that you asked Albert Zimmerman?—A. He was gone at that time, and I could not ask him.

Q. Why did you not assess him when you saw him when you made the additional assessment?—A. He did not come; I asked him once or twice should I assess him or not.

Q. Do you not know that it is your duty to assess everybody?—A. If he came to the house I would assess him, but he did not come.

Q. Then it is not your duty on the additional assessment to assess people that you know are not assessed?

(Mr. Reilly, on behalf of incumbent, objected that it was not cross-examination.)

A. It is my duty to assess them if they come to the house.

Q. Were you the assessor for 1875?—A. No, sir.

Q. How do you know that Boston and Zimmerman were not assessed?—A. I know they were not assessed.

Q. How do you know they were not on the assessment?—A. I seen the assessment that the commissioners handed over; they were not assessed in 1876.

Q. I asked about 1875.—A. I do not know about 1875.

Q. Then you do not know now whether he was assessed in 1875 or not?—A. I never seen his name, and he was not here.

Q. You do not know whether he was assessed in 1875?—A. He was not assessed in Pine Grove Township.

Q. How do you know of that fact?—A. I seen it in the book.

Q. Do you swear that you examined the assessment of 1875 and 1876 to see if Boston was assessed?—A. I know he was not assessed in 1876.

Q. Did you examine the assessment for 1875?—A. No, sir.

Q. How do you know he was not assessed?—A. I had to go around,

and whenever they are assessed I have to make the change where they are going and coming. If anybody came in I put them in the assessment-book, and if anybody goes out, I have to put them out of the assessment-book.

Q. Did you go around and make the changes in 1875?—A. No, sir.

Q. Then why did you swear that he was not assessed for 1875?—A. I did not swear about 1875. I do not know anything about 1875.

Q. You do not know whether Boston was assessed in 1875 or not?—A. No, sir.

Redirect examination by Mr. Reilly:

Q. Did you get a copy of the assessment from the commissioners for 1875, when you went around to make your assessment for 1876?—A. Yes; I got a copy.

Q. Did you examine the registry of 1875?—A. No, only that which I got in April; that was the assessment-book which I received and into which I was to enter all the names of people that were there, and to strike out the names of such people as were no longer there.

Q. Was not this book which you received in April of last year the assessment-book or a copy of the assessment of the previous year, and was it not given to you to go around and see whether it corresponded with the people that were in the township last year, to strike out the names of such as were no longer there and to add the names of such as had not been previously assessed?—A. That was the book given me in April that I should make the alterations—strike out such as were no longer there and add such as should be assessed.

Q. This book was sent to you in April?—A. Yes; this book was sent to me in April.

Q. It was given to you, was it not, to go around and see what changes had taken place in the township?—A. Yes, sir.

Recross-examination by Mr. Smith:

Q. The only time I saw Boston was some time after the election, and that was the first time you saw him?—A. Yes, sir.

Q. And he lived with who at that time?—A. Nelson Knapp.

Q. How near does Nelson Knapp live to you?—A. Between six and seven miles.

Q. You do not know what township Boston lived in during 1875?—A. No, sir.

GREGORY ROTHMUND.

Sworn and subscribed before me this 9th day of March, 1877.

C. LITTLE,
Notary Public.

FRANK YENGST, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the general election last November?—Answer. Yes, sir.

Q. Where?—A. In Fishbach.

Q. In the north ward of Pottsville?—A. Yes, sir; it is called the "Bee-hive."

Q. You were subpœnaed to bring your tax-receipts with you?—A. I lost my tax-receipts for 1875 and 1874. I have only 1876 here. (Producing paper.)

Q. Did you pay this tax yourself?—A. Yes, sir.

Q. Who did you get the receipt from?—A. A young man up there gave it to me before I voted.

Q. Who was the young man?—A. I do not know the man. I did not go out much through the day.

Q. You said you paid it yourself?—A. Yes, sir.

Q. Who did you pay for it?—A. Why, the fellow—Jo. Dietrich, who lives now in Morris's addition.

Q. When did you give him the money?—A. On the 15th of October.

Q. How much did you give him?—A. Eigthy-three cents.

Q. How did you come to give him the money?—A. I seen him down town and asked him if he knew who was the tax-collector, and I gave it to him.

Q. Where did you get the receipt you had for 1875?—A. That is the receipt I got in Lyon street; Kane was one and Ebbert was another; my wife generally pays my taxes.

Q. How much tax did you pay the man in 1875?—A. I do not know how much my tax was no more.

Q. When did you see the receipt last?—A. Last year I moved from Fishbach down here again and I laid it in the Bible, and I lost it through moving.

Q. Was it a State and county tax that you paid for 1875?—A. It was a county tax. I saw the tax-collector, and he said there was no State tax against me.

Q. Had you offered to vote at the election before you had this receipt?—A. Yes, sir.

Q. Was your vote challenged?—A. Yes, it was challenged and I had the tax paid.

Q. Your vote was challenged and then you went off and got this receipt?—A. I received it first and I had it in my pocket, and when I was challenged I showed my receipt.

Q. How long before you went to the window to vote did you have this receipt?—A. About twenty minutes, as near as I can make out.

Q. And do not know the young man that handed it to you?—A. No, sir.

Q. You do not know who he got it from?—A. No, sir; I was not acquainted about there; I go home from my work and go to sleep.

Q. Was there any objection to your vote when you produced this receipt?—A. No, sir.

Q. They did not swear you inside?—A. No, sir.

(Mr. Reilly, on behalf of incumbent, offered in evidence the receipt:)

"POTTSVILLE, PA., *October* 6, 1876.

"Received of Frank Yengst $\frac{83}{100}$ dollars for county and building tax for the year 1876.

"N. K. BACE, *Collector*."

Q. For whom did you vote for member of Congress at the last November election in 1876?

(Mr. Smith, on behalf of contestant, objected that the witness is clearly a legal voter, and cannot therefore be asked to disclose for whom he voted.)

A. I don't know who ran against Reilly, but I voted the whole Republican ticket, and I never asked who run.

(No cross-examination.)

his
FRANK + YENGST.
mark.

Sworn and subscribed before me this 9th day of March, 1877.

C. LITTLE,
Notary Public.

HENRY HARRIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the general election in November, 1876?—Answer. Yes, sir.

Q. Where?—A. Down at the American House.

Q. In the southeast ward of the borough of Pottsville?—A. Yes, sir.

Q. Where did you live on election-day?—A. At Asbury Mortimer's.

Q. How long had you been living there before election-day?—A. I went there as long ago as the 1st of August.

Q. Are you a married man?—A. No, sir.

Q. You have no family?—A. No, sir.

Q. Where did you live before you went to Mortimer's?—A. With Heber Smith, at the base-ball ground out in Yorkville.

Q. Did you go straight from Mr. Smith's to Mr. Mortimer's?—A. Yes; the same day I went right down from one place to the other.

Q. And you think that was the 1st of August?—A. Yes, sir.

Q. You slept at Mortimer's and took your meals there?—A. Yes, sir.

Q. You had no home in Yorkville?—A. No, sir.

Q. You are certain as to the time you were with Mr. Mortimer?—A. Yes, sir.

Q. You were subpœnaed to bring your tax-receipts with you; have you got them?—A. Yes. (Producing papers.)

Q. You are quite positive as to the time you moved to Asbury Mortimer's?—A. Yes, sir.

Q. You are certain it was not in October instead of August?—A. No, sir; it was in August.

(No cross-examination.)

his
HENRY + HARRIS.
mark.

Sworn and subscribed before me this 9th day of March, 1877.

C. LITTLE,
Notary Public.

Examination adjourned until nine o'clock to-morrow morning.

SATURDAY, *March* 10, 1877.

Morning session. Examination resumed at 9 a. m. Counsel for respective parties present.

HARRIS BURTON, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

(The witness above named does not appear in the notice to contestant, although witness was duly subpœnaed; this being waived by the counsel for contestant, the witness was then examined as follows:)

Direct examination by Mr. Reilly:

Question. Did you vote at the general election in November, 1876?—Answer. Yes, sir.

Q. Where?—A. In Pine Grove Township.

Q. You were subpœnaed to bring your tax-receipts; have you got them with you?—A. No, sir.

Q. Have you got any tax-receipts?—A. Not with me.

Q. Have you paid a State or county tax within two years of the election?—A. Yes, sir.

Q. Where?—A. In Bradford County.

Q. Was it a State and county tax which you paid?—A. Yes, sir.

Q. Was it paid within two years of the election-day last November?—A. Yes, sir.

Q. How long had you lived in Pine Grove Township at the time of the election?—A. I came there during the last week of July or the 1st day of August.

Q. What was your business?—A. Getting out timber for the coal company.

Q. Are you a man of family?—A. No, sir.

Q. Where do you live now?—A. In Pine Grove Township.

Q. And have been living there since last August?—A. Yes, sir.

Q. You claim no residence in Bradford County?—A. Yes, I claimed—no, I do not claim a residence there now. I left some property there.

Q. Did you come into Pine Grove with the intention of making it your home?—A. Yes, sir.

Q. And have made it your home since you moved in there?—A. Yes, sir.

(No cross-examination.)

HARRIS BURTON.

Sworn and subscribed before me this 10th day of March, 1877.

C. LITTLE,
Notary Public.

PERRY FEGLEY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

(Witness was subpœnaed for Tuesday, March 13, but contestant's counsel waived all objections upon that ground and consents to his examination at this time.)

Direct examination by Mr. Reilly:

Question. Did you vote at the last election?—Answer. Yes, sir.

Q. Where?—A. At Orwigsburg.

Q. You were subpœnaed to bring your tax-receipts with you; have you got them?—A. I have not paid any tax yet.

Q. How old are you?—A. I will be twenty-two the eighth of May next.

Q. What year were you born?—A. In 1855.

Q. In May, 1855?—A. Yes, sir.

Q. Had you voted at a general election preceding the election last November?—A. No, sir.

Q. That was your first vote at a general election?—A. Yes, sir.

(No cross-examination.)

P. W. FEGLEY.

Sworn and subscribed before me this 10th day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM G. BURWELL, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. State whether you are the collector of the State and county tax for the borough of Saint Clair?—Answer. I am.

Q. For the year 1876?—A. Yes, sir.

Q. Will you please tell us whether you gave receipts for different parties, who had not paid their taxes themselves, to others—whether you gave receipts to other parties than those named in the receipts?—A. Without receiving any money for them?

Q. No, sir; I mean being paid for them.—A. No, sir; I did not.

Q. You gave no receipts, then, to any person except to the person himself who paid his own tax; do I understand you to say that?—A. Yes, sir.

Q. There were no taxes paid to you by a member of the Republican committee for some other persons?—A. There, now, I can just recollect about that; there were very few paid to me in that way, and I cannot just call the names of any that were paid in that way.

Q. There were some, then?—A. There were two or three, I think.

Q. Not more than that?—A. Not that I can recollect of just now.

Q. Were you not requested to furnish a list of the persons that had not paid their taxes as appeared by your duplicate up to thirty days before the election?—A. I was a member of the Republican standing committee, and I did that without any request.

Q. As a member of the Republican standing committee did you not make it your business to see that any person you knew to be or believed to be a Republican in politics, who had not paid a State or county tax within two years, that his tax was paid and that he was given a receipt?—A. Yes; I tried to perform that duty.

Q. How many such cases were there?—A. Well, I guess I only looked after my own ward; that is the north ward. I think there were two in that ward. I do not think there were more than six or eight in the entire borough.

Q. Can you give the name of the party in the north ward?—A. David Brown was, I think, one of them, and James Atack was another, and both were legal voters.

Q. I understand that they did not pay their taxes themselves.—A. No, sir.

Q. You procured their receipts and handed them to the parties?—A. No, sir; I did not.

Q. Who did pay their taxes?—A. I cannot say positively any more whether it was Kline Morris or not.

Q. And they got the receipts?—A. If I could think a little over it I might call it to mind a little better.

Q. Do you know whether any of these receipts were delivered on election-day or any time within the thirty days preceding the election?—A. No; I could not say as to that. I rather think, though, they were all delivered before election-day.

Q. I mean within the thirty days before election.—A. Yes; I am satisfied of that. I know they were all paid within the thirty days.

Q. Did you furnish any tax-receipts on election-day to anybody?—A. No, sir.

Q. In any instance that the tax had been paid the thirty days before election, but the receipts not delivered until the election-day?—A. I do not do business in that way. I give the receipt always when I get the tax for it.

Q. And you did not furnish any receipts under any circumstances upon election day?—A. No, sir; none.

(No cross-examination.)

WM. G. BURWELL.

Sworn and subscribed before me this 10th day of March, 1877.

C. LITTLE, *Notary Public.*

JAMES MONTGOMERY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct-examination by Mr. Reilly:

Question. Did you vote at the general election in November, 1876?—Answer. Yes, sir.

Q. Where?—A. Down in Mount Carbon.

Q. You were subpœnaed to bring with you your tax-receipts; have you got them?—A. Yes; I have got them from 1875 to 1876. (Witness produces receipts.)

Q. You were also notified to bring your naturalization-paper with you?—A. I have it here. (Witness produces paper.)

Q. Where were you born?—A. I was born in England.

Q. When?—A. In 1843.

Q. When did you come to this country?—A. I came just one or two days after Christmas, in the latter part of 1859. I eat my Christmas day's dinner on the water just coming into America.

(No cross-examination.)

his
JAMES + MONTGOMERY.
mark.

Sworn and subscribed before me this 10th day of March, 1877.

C. LITTLE,
Notary Public.

Examination adjourned until 2 p. m.

SATURDAY, *March* 10, 1877.

Afternoon session. Examination resumed at two o'clock. Counsel for both parties present.

Mr. John R. Nash appeared with counsel for incumbent, and Mr. Charles N. Brumm appeared with counsel for contestant.

THOMAS JONES, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examinatiou by Mr. Reilly:

Question. Did you vote at the election last fall?—Answer. Yes, sir.

Q. Where?—A. At Minersville.

Q. In which ward?—A. The upper ward, or, as it is called, the west ward.

Q. You were subpœnaed to bring your tax-receipts with you for the last two years; have you them here?—A. I have for 1874. (Produces receipt.)

Q. Is this the last tax-receipt you have?—A. Yes, sir.

Q. You have paid no tax for 1875 or 1876?—A. No, sir.

(Mr. Reilly, on behalf of incumbent, offered in evidence tax-receipt as follows:)

"MINERSVILLE, *November* 2, 1874.

"Received of Mr. Thomas Jones one $\frac{50}{100}$ dollars for county tax for the year 1874.

"MIKE O'NEIL, *Collector.*"

Q. Were you born in this county?—A. Yes, sir.

Cross-examination on behalf of contestant (reserving all objections and exceptions) by Mr. Smith:

Q. Did you pay this tax on the day it bears date?—A. I believe I did.

Q. You cannot tell when you paid this tax?—A. O, yes; I know I paid it during that month. I believe it was right at the time I looked at it or I would have noticed it.

Q. Has anybody paid any taxes for you since?—A. Not to my knowledge since. I was away and back and forward all the time.

Q. Not to your knowledge?—A. No, sir.

Q. Where were you during this time?—A. In California. I went there in 1875 and came back in 1875, in July.

Q. Were you assessed in 1875?—A. I do not know.

Q. Were you assessed in 1876?—A. Yes, sir.

Q. Do you know whether anybody paid your tax for you in 1876?—A. I was going to pay it, but when I got this here notice I stopped; the collector was after me, and I told him to wait until pay-day, and I got this notice.

Q. Who was the collector?—A. Mike O'Neil.

Mr. Brumm (continuing the cross-examination):

Q. Was this receipt written out in your presence?—A. I think so. I think his daughter read it.

Q. Did you not pay this after the election in 1874?—A. I went right to the house and paid it.

Q. Did you not pay it after the election?—A. No, sir.

Q. Was it before the election?—A. I do not know, but that is the time I got it that it is dated there.

Redirect examination by Mr. Reilly:

Q. For whom did you vote for member of Congress at the November election?—A. For Mr. Nutting.

THOMAS JONES.

Sworn and subscribed before me this 10th day of March, 1877.

C. LITTLE,
Notary Public.

HARRISON BUSH, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election for President last November?—Answer. Yes, sir.

Q. Where?—A. In Minersville, in the east ward.

Q. You were subpœnaed to bring with you your tax-receipts for the first two or three years; have you got them?—A. No, sir.

Q. Have you got a tax-receipt?—A. No, sir.

Q. Have you paid a State or county tax within the last two years?—A. Yes, sir.

Q. Where are your receipts?—A. I lost them.

Q. When did you pay your last tax?—A. If my memory serves me right it was in January, 1875.

Q. Where did you pay it?—A. In Buck Mountain, Carbon County.

Q. Who was the collector?—A. That I do not know; the taxes were collected at the Buck Mountain Coal Company's office.

Q. How much was it?—A. If my memory serves me right it was $5.70.

Q. Do you know what tax it was?—A. State and county tax.

Q. How did you come to pay it at Buck Mountain, Carbon County?—A. I was working there at the time.

Q. Is that the only tax you have paid within two years?—A. Yes, sir.

Q. And that was a tax in Carbon County?—A. Yes, sir.

Q. How long had you lived in the east ward of the borough of Miners-

ville up to the day of election and immediately preceding the day of election?—A. It will be about two years next August since I came back from Buck Mountain.

Q. And lived all that time continuously in the east ward of Minersville?—A. Yes, sir.

Q. Were you born in this country?—A. Yes, sir.

Q. For whom did you vote for member of Congress at the last election?

(Mr. Smith, on behalf of contestant, objected that the witness is a legal voter, and need not, therefore, answer the question.)

A. I have no objection to tell; do you want me to tell?

Q. Yes.—A. I cannot tell. The ticket was handed to me, and I thought it was all right and I voted.

Q. Who did you get your ticket from?—A. I got it from young Jim Geer. I think it was a Republican ticket; I asked him, and I thought it was a Republican ticket.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Did you read your ticket?—A. No, sir; or else I would know for whom I voted.

HARRISON BUSH.

Sworn and subscribed before me this 10th day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM MATTHEWS, jr., being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the general election last November?—Answer. Yes, sir.

Q. Where?—A. In Minersville; in the west ward.

Q. You were notified to produce your tax-receipts for the last two years; have you got them with you?—A. No, sir.

Q. Have you any tax-receipts for the last two years?—A. No, sir.

Q. Have you paid a State or county tax within the last two years preceding the November election?—A. No, sir.

Q. How long have you lived in the west ward of Minersville, immediately preceding and up to the time of the election?—A. I was born there, and I was away from there a good while; I was there a year before the election, or six months anyhow.

Cross-examination on behalf of contestant (reserving all objections and exceptions) by Mr. Smith:

Q. Did anybody pay any tax for you?—A. Not that I know of.

Q. Were you assessed?—A. Yes, sir.

Q. And assessed every year?—A. I don't know; I was assessed last year.

Q. You cannot tell us whether anybody paid a tax for you or not?—A. No, sir; I cannot tell whether father paid any or not; they used to be generally paid with the property-tax; the collector told me they were not paid.

Q. How old are you?—A. I was thirty-one on the third day of last November.

Q. You were assessed in 1875?—A. Yes; I think I was.

Q. And in 1874?—A. Yes, sir; I was in Dauphin County in 1874, but I think I was assessed while I was there.

Q. Did you pay your tax with your father?—A. I was not asked for any while I was in Dauphin County, and I think I was returned here.

Q. That is, for 1874 you were returned here?—A. Yes, sir.

Q. For 1875 you cannot tell whether your father paid them or not?—A. No, sir; I did not ask him, and the tax-collector told me that he did not pay them for 1875.

Q. When did you ask the tax-collector about it?—A. Not long ago.

Q. When did you have the talk with him?—A. I could not say the date exactly.

Q. You have the same tax-collector for the last two years?—A. Yes, sir.

Redirect examination by Mr. Reilly:

Q. For whom did you vote for member of Congress at the November election?—A. I voted for Nutting.

Recross-examination by Mr. Smith:

Q. Did you read your ticket?—A. Yes, sir.

Q. And you know that Nutting's name was on it?—A. Yes, sir.

WILLIAM MATTHEWS, JR.

Sworn and subscribed before me this 10th day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM BOTHAM, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Redirect examination by Mr. Reilly:

Question. Is your name William or Edward?—Answer. When the constable went around to look for us it was Edward Botham; but there was no one by that name.

(Mr. Smith, on behalf of contestant, objected to the examination of this witness at this time and place, that the name of the witness is not upon the notice served upon the contestant.

Mr. Reilly, on behalf of incumbent, states that the witness who appears and gives his name as William Botham, and who was subpœnaed in that name, is the same person whom incumbent intended to give notice to contestant would be examined at this time and place under the name of Edward Botham.)

Q. Did you vote at the election last November?—A. Yes, sir.

Q. Where?—A. In Newcastle Township.

Q. You were notified to produce your tax-receipts; have you got them with you?—A. There are three years' receipts (producing receipts).

Q. To whom did you pay the tax in this receipt signed by Mr. Phillips?—A. That money was paid to Ephraim Phillips.

Q. What is the date of the receipt?—A. December 16, 1875. These two tax-receipts with his name on were paid to him; but the one in 1874 I did not pay myself; my father paid it for me, but the money was paid.

Q. Who was the collector of county tax for the year 1875?—A. For 1874 and 1875, Ephraim Phillips.

Q. Are you sure he was the collector of the county tax for the year 1875?—A. Yes, sir.

Q. Do you not know that Donnelly was the collector for 1875?—A. Well, Donnelly may have been collector; he may have been returned to court as the collector, but Phillips collected the taxes.

Q. Who wrote the word "county" in that receipt?—A. That I cannot swear to; it was there when the receipt was given to me.

(Mr. Reilly, on behalf of incumbent, offered tax-receipt in evidence :)

"NEWCASTLE TOWNSHIP, *December* 16, 1875.

"Received of William Botham three dollars, in full for county, school, and road tax for the year 1875.

"E. PHILLIPS, *Collector*."

Q. These are all the tax-receipts you have for the last three years?—A. I have other tax-receipts for this year. That is all for State and county taxes. This year we have three collectors and three separate receipts; in other years we paid it all to one.

Q. This is the only tax you have paid of State or county within two years of the November election?—A. I paid 1874.

Q. That was more than two years before the election?—A. And 1875.

Q. That is the one I speak of; and 1876 was paid after the election?—A. Yes, sir.

Q. This one in December, 1875, is the only tax you have paid within the two years prior to the 7th of November last?—A. Yes; that is all.

Q. You were also notified to produce your naturalization-papers?—A. I have no papers of my own, but my father's papers. I came to this country under age.

Q. John Botham is your father?—A. Yes, sir.

Q. Where were you born?—A. I was born in England.

Q. How old were you when you came to this country?—A. I was somewhere about sixteen years and some few months old.

Q. What year were you born in?—A. In June, 1848.

Q. In what year did you come to this country?—A. I came to this country in 1867, in December.

Q. Will you state whether you procured tax-receipts for other persons in New Castle Township for the purpose of voting at the last election?—A. Yes, sir.

Q. How many?—A. I could not tell that exactly now, but it might be eight or ten, or more.

Q. Were you a member of the Republican standing committee for that township?—A. I was one of the district standing committee.

Q. Where did you get the money from that you used to pay for these receipts?—A. I got it from my father.

Q. Where did he get it?—A. That is more than I can tell you. He transacted that business and got the money some way, and got me to procure them.

Q. Do you know whether it was money that came from the campaign fund that was used for that purpose?—A. I suppose it came that way.

Q. Can you give us the names of the parties for whom you procured tax-receipts?—A. I can, some of them. There was Charles Webb, Charles Williams, Thomas Head, Abram Butts. I cannot think of any more names now right.

Q. Do you know whether all the persons for whom you procured these receipts voted?—A. That I could not say exactly, but I was under the impression that they did.

Q. Before you procured these receipts state whether or not you inquired to ascertain whether they had paid a State or county tax within two years.—A. When I asked or inquired about them and they had not paid it, it was paid.

Q. And it was because they were too poor to pay it?—A. They were too poor to pay the taxes.

Q. If this tax had not been paid they would not have been entitled

to vote?—A. I could not say for certain whether it was the case with all of them or not.

Q. Do you know what ticket any of those voted who did vote?—A. I suppose most of them voted the Republican ticket; they may have cut some, but I do not know about that.

Q. Did you deliver these tax-receipts yourself?—A. Some of them I did.

Q. When?—A. Right after the day I got them; I got them the Saturday before the time was up. I got them the last day or the day but one before, and I distributed them on the following Monday.

Q. Did you deliver any on election-day?—A. No, sir.

Cross-examination on behalf of the contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Who is the tax-collector this year?—A. Neil Quin.

Q. He is a Democrat?—A. Yes; and he told me when I paid these tax-receipts that he had paid twice as many himself, and I would have paid another tax but he told me that he paid the man's tax.

Q. Did you get any tax-receipts from him without paying for them?—A. Yes; he gave me one, but it was done in this way: I told him he could lend me that much money, as I would be short, and before I would lose the vote I told him to lend me the money and give me a receipt for it. I had not quite enough money with me, and so he did it.

Q. Did you pay that loan back afterward?—A. My father paid it back to him.

Q. He did not distribute any receipts to you?—A. No, sir.

Q. You went to pay the taxes fairly and honestly, and get the receipts for the parties?—A. Yes; and the way it was I took the money and went there, and the tax was a little more than I expected, and I was short, so I told him to lend me that much money; and he did, and I got another receipt for it.

Q. In 1875, you say one man collected the taxes?—A. Yes, sir.

Q. And so in 1874?—A. Yes; the name is signed to the receipt.

Q. When you paid the tax of December 16, 1875, you paid the whole amount in money to Mr. Phillips, the collector?—A. Yes, sir.

Q. Was the word "county" written in that receipt when you got it?—A. Yes, sir.

Q. You paid your tax in 1876?—A. Yes, sir.

Q. Then you have paid all your State and county taxes for the last two years?—A. Yes; and for the last eight years.

Q. You said you came to this country when?—A. In 1864.

Q. About what time?—A. In December. I was on the water at the time that President Lincoln ran against McClellan.

Q. You were then between sixteen and seventeen years old?—A. Yes, sir.

Q. You were born in June, 1848?—A. Yes, sir.

Q. The papers you produce here are your father's naturalization-papers?—A. Yes, sir.

(Mr. Smith, on behalf of contestant, produced certificate of naturalization of John Botham, showing that he was admitted to citizenship on the 19th of October, 1868, by the court of common pleas of Schuylkill County.)

Q. John Botham is your father, and the man named in this certificate?—A. Yes; there is no other Botham in this country, anyhow.

Q. And your father is living in this county?—A. Yes; he is living in Newcastle Township.

Redirect examination by Mr. Reilly:

Q. For whom did you vote for member of Congress at the general election held in November last?

(Mr. Smith, on behalf of the contestant, objected that the witness is a legal voter.)

A. I voted for Nutting at the last general election.

WILLIAM BOTHAM.

Sworn and subscribed before me this 10th day of March, 1877.

C. LITTLE,
Notary Public.

THOMAS RICHARDS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the last general election, in November, 1876? —Answer. No, sir.

Q. Where do you live?—A. In Minersville.

Q. And you did not vote?—A. No, sir; I did not.

Q. Is there any other man by the name of Thomas Richards in the west ward in Minersville?—A. No, sir; not in Minersville borough.

Q. Were you at home election-day?—A. No, sir.

Q. And you did not vote?—A. No, sir.

(No cross-examination.)

THOS. RICHARDS.

Sworn and subscribed before me this 10th day of March, 1877.

C. LITTLE,
Notary Public.

ALFRED SANDERS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where?—A. Up here at Sheetz's, in the northwest ward.

Q. You were notified to bring your tax-receipts; have you them with you?—A. Yes. (Producing papers.)

Q. You paid this tax yourself?—A. Yes, sir.

Q. And paid it the day you got the receipt, which is dated January 26, 1876?—A. Yes, sir.

Q. Are you a married man?—A. Yes, sir.

Q. Where were you living on the day of election?—A. In the northwest ward.

Q. How long had you lived there before the election?—A. I have been living in the one house this last eleven years.

(No cross-examination.)

his
ALFRED + SANDERS.
mark.

Sworn and subscribed before me this 10th day of March, 1877.

C. LITTLE,
Notary Public.

JAMES QUIN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you reside?—Answer. In Minersville.

Q. In which ward?—A. The west ward; but I did not reside there during the last election; I was in Shenandoah City.

Q. Where did you vote?—A. No place.

Q. You did not vote anywhere at the last election?—A. No, sir.

Q. Neither in Minersville nor in Shenandoah?—A. No, sir; no place in America that I know of.

(No cross-examination.)

J. M. QUIN.

Sworn and subscribed before me this 10th day of March, 1877.

C. LITTLE,
Notary Public.

JAMES BRAY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where?—A. At this hotel, in the south ward of Pottsville.

Q. You were notified to bring your tax-receipts along with you; have you got them?—A. (Producing papers.) Eighteen hundred and seventy-four and 1876, and 1875 I have not got.

Q. Did you pay a tax in 1875?—A. I do not know whether I did or not; I looked over my receipts, but I could not find it.

Q. You have not got a receipt for it?—A. No, sir; I could not find it.

Q. From whom did you get this receipt dated October 7, 1876?—A. I got that from Samuel R. Russel.

Q. When?—A. I do not know.

Q. How long before the election?—A. I did not get it before the election; I got it afterwards, but I know my taxes were paid before the election, because Mr. Fasoldt told me.

Q. You did not get the receipt until after the election?—A. No, sir.

Q. How long after the election was it?—A. Three or four days ago I got the receipt.

Q. You got it since you were subpœnaed in this case?—A. Yes; I did not meet him before; I could have got it almost any time if I had met him.

Q. Did you go and ask him for it, or did he come to you?—A. No, I went and asked him for it.

Q. Where did he get it before he gave it to you?—A. I do not know.

Q. When you voted you did not have this receipt?—A. No, sir.

Q. Nor have any later than this one of September 27, 1874, for the tax of 1874?—A. No, sir.

Q. From whom did you get that receipt?—A. I paid that to Mr. Buckley myself.

Q. Did you pay it the day the receipt is dated?—A. Yes, sir; he gave me the receipt in the shop up in Center street.

Q. You did not pay for this receipt dated October 7, 1876?—A. No, sir; I did not pay for it.

Q. You were born in this country?—A. No, sir.

Q. Have you got your naturalization-papers with you?—A. Yes. (Produces papers.)

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You are a naturalized citizen?—A. Yes, sir; I am.

JAMES BRAY.

Sworn and subscribed before me this 10th day of March, 1877.

C. LITTLE,
Notary Public.

ALEXANDER HEFFNER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where?—A. Here, at this poll; at the south ward of Pottsville.

Q. You were subpœnaed to bring your tax-receipts for the last two or three years?—A. I have my receipt here for 1876. (Producing papers.)

Q. Is this the only receipt you have for State or county taxes within two years prior to the election in last November?—A. Yes, sir.

Q. From whom did you get the receipt?—A. I got this from Mr. Russell.

Q. From which Russel?—A. Mr. Samuel R. Russel.

Q. When?—A. Before the election, or the day, rather, of the election.

Q. Did you get it before you went to the poll to vote, or after you had offered to vote?—A. Before I voted.

Q. And had it in your pocket at the time you presented your ballot?—A. Yes, sir.

Q. You did not pay the money for this receipt yourself?—A. No, sir; I did not.

Q. You have paid no other county tax within two years of last November?—A. No, I do not think I have. O, I have, of course, but I do not know what taxes they were; I paid one or two taxes.

Q. Who did you pay them to?—A. I paid for 1874, I think, to John Ebbert.

Q. He collects the school-tax?—A. I think so.

Q. And that is the only tax you had paid within two years?—A. Yes, sir.

(Mr. Reilly, on behalf of incumbent, offered in evidence receipt, as follows:

"POTTSVILLE, PA., *October* 7, 1876.

"Received of Alexander Heffner $\frac{83}{100}$ dollars for the following taxes for the year 1876: County tax, $0.75; building-tax, $0.08—$0.83.

"A. K. BACE, *Collector.*")

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Mr. Bace is the collector of the county tax of the borough of Pottsville?—A. Indeed I do not know; I don't think he is; what I paid in 1874 I paid to Mr. Ebbert.

Q. But for 1876 Bace was collector?—A. Yes; I think so.

Q. Mr. Russel gave you this receipt?—A. Yes, sir.

Q. And told you he had paid your tax?—A. Yes, sir.

Q. That he had paid the tax called for on that receipt?—A. Yes, sir.

Redirect examination by Mr. Reilly:

Q. For whom did you vote for Congress at the last election in November?

(Mr. Smith, on behalf of contestant, objected to the question.)

A. I voted for Mr. Nutting.

Recross-examination by Mr. Smith:

Q. Did you read your ticket?—A. Yes, sir.
Q. And made it up yourself?—A. Yes; I got it up myself, certainly.
Q. And you say you voted for Nutting?

his
ALEXANDER + HEFFNER.
mark.

Sworn and subscribed before me this 10th day of March, 1877.

C. LITTLE,
Notary Public.

ABRAHAM WINELAND, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where?—A. In the northeast ward of Pottsville.

Q. You were notified to produce your tax-receipts; have you them with you?—A. I have 1874 and 1876, but 1875 I have not got. (Produces receipts.)

Q. From whom did you get this receipt dated October 7, 1876?—A. From Harrison Hill, esq.

Q. Did you pay for it?—A. No, sir; I do not know who paid for it.

Q. When did you get it from him?—A. I think I got it somewhere around the 10th of October, but I cannot exactly tell. I asked when it was paid, and he said it was paid on the seventh.

Q. You got it some few days afterward?—A. Yes, sir.

Q. You have no receipt for 1875?—A. No, sir.

Q. Did you pay a tax for 1874?—A. No, sir.

Q. You have no other receipt except this one dated October 3, 1874; that is all?—A. Yes, sir; that is all I have. I paid that to John Buckley.

(Mr. Reilly, on behalf of incumbent, offered in evidence receipt as follows:

"POTTSVILLE, PA., *October* 7, 1876.

"Received of Abraham Wineland one $\frac{65}{100}$ dollars for the following taxes for the year 1876: County tax, $1.50; building-tax, $0.15—$1.65.

"A. K. BACE, *Collector.*")

Q. How long had you lived in the northeast ward immediately preceding the last election?—A. I am living there now the 23d of October last a year ago.

Q. For whom did you vote for member of Congress at the last November election?

(Mr. Smith, on behalf of contestant, objected.)

A. I voted for James L. Nutting and the full Republican ticket, and I always did vote it.

(No cross-examination.)

his
ABRAHAM + WINELAND.
mark.

Sworn and subscribed before me this 10th day of March, 1877.

C. LITTLE,
Notary Public.

Examination adjourned to nine o'clock next Tuesday morning, March 13, 1877.

TUESDAY, *March* 13, 1877.

Morning session. Examination resumed at 9 a. m. Counsel for respective parties present.

OSWELL LAVENBURG, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the general election last November?—Answer. No, sir.

Q. Where do you live?—A. In Minersville.

Q. In which ward?—A. The lower ward.

Q. You are certain you did not vote at the election last fall?—A. Yes; I did not vote.

(No cross-examination.)

OSWELL LAVENBURG.

Sworn and subscribed before me this 13th day of March, 1877.

C. LITTLE,
Notary Public.

PATRICK SHARTEL, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the general election in November, 1876?—Answer. Yes, sir.

Q. Where?—A. In South Cass Township.

Q. You were subpœnaed to bring your tax-receipts; have you them here?—A. I have not paid any tax since 1874; O, yes, I have paid a tax this year, but it was after the election. I could not find the receipt for 1874, and whether it was inside of the two years or not I could not say.

Q. Was it before the election in 1874?—A. I think it was before the election some time I got it; my memory is giving way now, and I do not recollect.

Cross-examination on behalf of the contestant (reserving all exceptions and objections) by Mr. Smith:

Q. When did you pay your tax in 1876?—A. It was after the election.

Q. When was it?—A. I cannot say; I do not believe I have the date, but I know it was after the election.

Q. How long after the election was it?—A. It might be a week perhaps; I do not know the date.

Q. You are in the habit of paying your taxes generally about Christmas time?—A. Well, sometimes before it. I did not pay any tax since 1874.

Q. Did you not pay any tax in 1875 at all?—A. No, sir; but I paid after the election.

Q. In 1875?—A. No; I paid none in 1875 at all.

Q. Who was the tax-collector in 1875?—A. I think it was James O'Malley.

Q. Who was the tax-collector in 1874?—A. It was in North Cass Township, a man by the name of McDonald.

Q. Did you have to show your tax-receipts at the election last fall?—A. No, sir; I was not challenged there. I have voted there a good many years, and they did not bother me with tax-receipts.

Q. Then you cannot tell us what time in 1874 you paid your 1874, tax?—A. No, sir.

Q. But you did pay it?—A. Yes, sir. I had the tax-receipt for 1874, and it got broke up in my pocket, and I have not got it now.

Q. Do you know whether anybody paid your tax for you in the year 1875?—A. No, sir; no one paid it for me; I was never asked for the tax for 1875.

Q. You do not know whether anybody paid it for you?—A. I know that nobody ever paid it for me.

Q. You were never asked by the tax-collector for it?—A. I guess I was—in 1875 you mean? I suppose I was.

Q. You do not remember?—A. No, sir.

Q. You know that taxes are paid for some people before the election?—A. Certainly; I know that.

Q. You do not know whether this tax was paid or not?—A. No, sir; I do not know.

Q. For all you know the tax may have been paid?

Redirect-examination by Mr. Reilly:

Q. For whom did you vote for member of Congress at the last November election?—A. I did not look at the ticket. I got a ticket of my son, and whichever way he voted I voted. I had not my specs on to look at it, but I understood the party I voted for was Nutting and that party.

Q. What is your son's name?—A. William.

Q. Do you know that he was giving out tickets on the day of election with Nutting's name on them?—A. I cannot say. I saw no ticket at all, but he gave me a ticket anyway.

Q. Did you hear him say that he was giving out tickets with Nutting's name on?—A. I suppose so; I do not know.

Q. Do you know of the corrupt use of money in your township last November?—A. I heard there was money given, but I did not get any.

Q. You got none of it?—A. No, sir.

(Mr. Smith, on behalf of the contestant, objected to any hearsay evidence.)

A. I received twenty cents when I was going home. I know nothing about money, and I got none of it, though I heard there was money given.

PAT. SHARTEL.

Sworn and subscribed before me this 13th day of March, 1877.

C. LITTLE,
Notary Public..

CHARLES HENRY HOBSON, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. No, sir.

Q. Where do you live?—A. In Minersville, Cass Township, where I am now living.

Q. Minersville is not in Cass Township?—A. No, sir.

Q. Which do you live in then?—A. In Cass Township.

Q. You are certain you did not vote at the November election?—A. No, sir; I did not vote; I will swear that.

(No cross-examination.)

CHARLES HENRY HOBSON.

Sworn and subscribed before me this 13th day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM J. BELL, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the general election last November?—Answer. Yes, sir.

Q. Where?—A. I voted in South Cass Township.

Q. You were notified to produce your tax-receipts here to-day; have you them?—A. Why, Mr. Houghawont has it.

Q. He has got one receipt?—A. Yes; I only had the one; I had only the 1876 receipt.

Q. When did you get your receipt?—A. It was after the election.

Q. At the time of the election, had you paid a tax within two years?—A. No, sir; because I was not assessed.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. How long did you live in South Cass Township?—A. I have been living there twelve years, I guess. It is eleven or twelve years anyhow.

Q. And did you vote during all that time?—A. No, sir; I voted since I was twenty-two or about twenty-two.

Redirect examination by Mr. Reilly:

Q. For whom did you vote for member of Congress at the last general election in November?—A. I voted the full Republican ticket.

Q. Did you know that Mr. Nutting was upon the Republican ticket as a candidate for Congress?—A. I cannot say, because I cannot read any. My father made up the ticket for me. My father is here in the other room now.

Recross-examination by Mr Smith:

Q. Did you pay a tax in 1874?—A. No, sir; nor 1875 either.

Q. Do you know whether your father paid any?—A. Yes; my father did.

Q. For you?—A. No, sir; there is not one of our family has paid any for me, only myself, and that was the first tax.

Q. Do you know whether the county committee has paid your tax?—A. No, sir; they never did.

Q. From whom did you get the tax-receipt for 1876?—A. I got it from Anthony McHale.

Q. He is the tax-collector for the State and county tax?—A. Yes, sir.

Q. Where did he give it to you?—A. In Henry Oerther's saloon, in Minersville.

(Mr. Reilly, on behalf of incumbent, objected that it is not cross-examination, and immaterial and irrelevant.)

Q. Who paid for that tax-receipt?—A. I paid for it myself.

Q. At that saloon?—A. Yes, sir.

Q. Tell us how you came to pay this tax at that time.—A. Because I was assessed, and if I had not been assessed I would not have paid it yet. A man is not bound to pay it if he is not assessed.

Q. You were not assessed for 1874 or 1875?—A. No, sir; I am not assessed for 1874 or 1875 either.

Q. Then this was not one of the receipts that Anthony McHale gave out on account of the county committee?—A. No, sir; I am the wrong sort of stamp to do that; I am the wrong fellow for that.

Redirect examination by Mr. Reilly:

Q. Nor it was not one of the receipts that John R. Davis gave out for the Republicans?—A. No, sir; it was neither of them.

WILLIAM JAMES BELL.

Sworn and subscribed before me this 13th day of March, 1877.

C. LITTLE,
Notary Public.

DAVID PRICE, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination:

Question. Did you vote at the general election last November?—Answer. Yes, sir.

Q. Where?—A. At Primrose, in South Cass Township.

Q. You were notified to produce your tax-receipts here for the last two years; have you them with you?—A. Yes. (Produces papers.)

Q. You paid for these receipts at the time you got them?—A. Yes; or my wife paid for them.

Q. You were also notified to produce your naturalization-papers?—A. Yes; I have them. (Produces papers.)

Q. What year were you born in?—A. Indeed, I could not tell you.

Q. How long have you been in this country?—A. I have got no date marked for the day when I came in, but I believe I was five years clear in the country before I got that paper.

Q. You are not positive whether you got that paper after you were here five years or not?—A. I cannot say; I am most sure I was five years clear.

Q. You were to the best of your knowledge?—A. Yes; to the best of my knowledge.

Q. How long had you lived in South Cass up to the day of election?—A. I think I have been living in South Cass seven years, altogether.

Q. Is there any other David Price in your township?—A. Not as I know.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You are a naturalized citizen?—A. Yes, sir.

his
DAVID + PRICE.
mark.

Sworn and subscribed before me this 13th day of March, 1877.

C. LITTLE,
Notary Public.

DAVID BROWN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Is there any other man by the name of David Brown in your township?—Answer. Not as I know of.

Q. Did you vote at the election last November?—A. Yes, sir.

Q. Where?—A. In Primrose, in South Cass Township.

Q. You were subpœnaed to bring your tax-receipts here for the last two or three years; have you them with you?—A. I have 1876 here. (Producing papers.)

Q. You were also notified to produce your naturalization-papers, or do not you need them?—A. I do not need them; I was born in the country.

Q. Had you lived in South Cass Township previous to the last election sixty days?—A. Yes, sir.

(No cross-examination.)

DAVID BROWN.

Sworn and subscribed before me this 13th day of March, 1877.

C. LITTLE,
Notary Public.

THEODORE HELLMAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the general election last November?—Answer. Yes, sir.

Q. Where?—A. In South Cass Township.

Q. You were notified to produce your tax-receipts here to-day; have you got them?—A. Yes. (Produces papers.)

Q. Did you pay for that receipt at the time you got it?—A. Yes, sir.

Q. It is the receipt dated September 10, 1877?—A. Yes, sir.

Q. You were also notified to produce your naturalization-papers?—A. Yes; I have it here. (Produces paper.)

Q. Is this the only paper you ever had?—A. Yes, sir.

Q. And this is the paper upon which you claim the right to vote?—A. Yes, sir.

Q. And upon which you did vote?—A. Yes, sir.

(Mr. Reilly, on behalf of incumbent, offered in evidence a certified copy of the witness's declaration of intention to become a citizen, made in the court of common pleas of Schuylkill County on the 1st day of June, 1863, attested by Charles Frailey, prothonotary, and also offered in evidence certified copy of paper, attached to the deposition and marked "Exhibit —.")

Cross-examination on behalf of the contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You were born in Saxe-Coburg, in Germany?—A. Yes; I was.

Q. How long ago did you come to this country?—A. I came here in 1856.

Q. How old were you then?—A. I was twenty-seven then, when I came to this country.

Q. You filed a paper two years before this was obtained by you in the court?—A. Yes, sir.

Q. Or over two years?—A. I guess it was over two years. I was over two years in the country when I took my first paper.

Q. You had also filed that paper two years before you got this paper?—A. Yes, sir.

Q. In that paper you had made an oath that you wanted to become a citizen?—A. Yes, sir.

Q. And this paper (indicating paper in evidence) is the last paper you got from the court?—A. Yes, sir.

Q. Who was your witness?—A. Mr. Henry Hoffman.

Q. Do you know whether his name is also John?—A. No; I do not know that; but his name was Henry.

Q. Where does he live?—A. He lived in Cass Township, but he lives in the grave now; he is dead.

Redirect examination by Mr. Reilly:

Q. Did you get out two papers altogether?—A. I got one out first.

Q. Did you get two papers out at two different times?—A. Not that I know.

Q. Is this the only paper you got?—A. Yes, sir.

Q. Were you at the court-house more than once to get out your citizen-papers?—A. I do not remember; it is too long ago.

Q. For whom did you vote for member of Congress at the election in November, 1876?—A. I voted for Mr. Nutting.

THEODORE HELLMAN.

Sworn and subscribed before me this 13th day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM SHORTEL, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes.

Q. Where?—A. In South Cass Township.

Q. Were you notified to produce your tax-receipts for the last two years?—A. I have got one (producing paper) dated September 18, 1875.

Q. Did you pay for that receipt at the time you got it?—A. My wife paid for it; I was not at home.

Q. Were you born in this country?—A. Yes, sir.

Q. Tell us whose name was on the ticket for member of Congress that you were giving out on election-day?

(Mr. Smith, on behalf of contestant, objected.)

A. I gave out a mixed ticket and the regular Democratic ticket; at least, I carried them; I did not give them out to anybody only those that asked for them.

Q. Whose name was on the ticket that you gave to your father, Patrick Shortel, for member of Congress?—A. I gave him one of those mixed tickets with James L. Nutting's name on it.

Q. Do you know anything about the use of money to influence voters in your district at the last election?—A. Well, I cannot say; I heard of money being got, but I never seen any.

Q. You never saw any yourself?—A. I did receive seven dollars after election; the Sunday after election.

Q. From whom?—A. From James E. Brennan.

Q. Had you any arrangement or agreement before the election by which you were to receive this money?—A. Well, he asked me to go in the room as an overseer, and he told me I would get paid for it.

Q. Do you know anything of an arrangement with voters in your township by which they were to receive a certain amount of money if they returned a certain number of votes?—A. I do not know; I was not at any fixing up of anything of that kind, and I cannot say only what I heard, and that is all.

Q. Were you a party to any such arrangement?—A. I was to be the overseer, and went there for that purpose.

Q. You were not an overseer appointed by the court?—A. No, sir.

Q. And you know of no such arrangement as I mentioned, and had no part in carrying it out?—A. I took no part to carry it out; I gave out tickets to anybody that asked me; and Anthony McHale asked me to take some Democratic tickets that day, and I said I would not give out any unless I was asked to, and I did not.

Q. Do you know whether tickets were given out to parties who desired to vote the Democratic ticket, representing that they were Democratic tickets, when, in fact, they had upon them the names of Republican candidates?—A. No, sir; I know of no such arrangement at all; the parties that asked for the ticket that I held wanted to vote that way.

Q. You gave none of those mixed tickets out to parties that wanted to vote the Democratic ticket?—A. No, sir; and I can cite instances where I gave the Democratic ticket out with James B. Reilly's name on; and they asked me for it.

(No cross-examination.)

WILLIAM SHORTEL.

Sworn and subscribed before me this 13th day of March, 1877.

C. LITTLE,
Notary Public.

EDWARD FOLEY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where?—A. In Primrose, South Cass Township.

Q. You were notified to produce your tax-receipts here to-day; have you them with you?—A. Yes; I have my voting receipt. (Produces paper.)

Q. You were born in this country?—A. No, sir.

Q. You were notified to produce your naturalization-papers with you; have you them?—A. Yes. (Producing paper.)

Q. How old were you when you came to this country?—A. Something like eighteen months, as far as I can understand.

Q. How long have you lived in South Cass Township?—A. It is the only township I did live in.

(No cross-examination.)

EDWARD F. FOLEY.

Sworn and subscribed before me this 13th day of March, 1877.

C. LITTLE,
Notary Public.

ANDREW B. COCHRAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. You reside in Pottsville?—Answer. Yes, sir.

Q. What is your business?—A. I am a surveyor; and also hold the position of borough-surveyor of Pottsville.

Q. Are you acquainted with the lines of the borough?—A. Yes, sir.

Q. Do you know Benjamin Weller, sr.?—A. Yes, sir; I do.

Q. Do you know where he lives?—A. Yes, sir.

Q. State whether or not his residence is within the borough limits?—A. Mr. Weller lives in East Norwegian Township, about sixty or seventy-five yards east of the east line of the borough of Pottsville.

Q. State whether you prepared or assisted in the preparation of this map of the borough of Shenandoah?

(Witness shown map of Shenandoah contained in Beers's atlas of Schuylkill County.)

A. No, sir; I did not; I think that map was prepared by Mr. Sheaf-

fer, and Mr. Beers obtained the information from him; I did not prepare the map.

Q. Will you state whether this work was published partly under your supervision—this atlas of Schuylkill County?—A. I furnished Mr. Beers with a connected map of the anthracite coal-fields, but the town plats were furnished by different engineers.

Q. Look at that map and state whether that map represents or purports to represent the north line of the borough of Shenandoah?

(Mr. Smith, on behalf of contestant, objected that the witness has already stated that he did not make the survey and did not furnish it to Mr. Beers; therefore the witness has no knowledge except what he sees upon the map, and it is objected that the map is not an official survey.)

Q. State whether that map represents the property of the Thomas Coal Company?—A. Yes; on the Girard estate.

Q. Are you acquainted with the location of that property?—A. Yes, sir.

Q. And aside from this map in the atlas?—A. Yes, sir.

Q. State whether that property is included in the territory the survey of which you gave to Mr. Beers?—A. Yes; it is included in the general survey; the map on page 25 of this book is a map I furnished to Mr. Beers; a map of West Mahanoy Township.

Q. Does that locate the property of the Thomas Coal Company?—A. Yes; it locates the property of the Thomas Coal Company on the Girard estate.

Q. In what township is it?—A. In West Mahanoy Township.

Q. You are acquainted with the lines of West Mahanoy Township by actual survey?—A. Yes; I am acquainted with them in this way: I am acquainted with the lines of the Jones and Sarah More tract; these are included in the limits of Shenandoah, and the lands lying north are owned by the Girard estate, of Philadelphia.

Q. And that is outside of the borough limits?—A. Yes, sir.

Q. And the property known as the Thomas Coal Company property is on that Girard estate, in West Mahanoy Township?—A. Yes, sir.

Cross-examination on behalf of the contestant (reserving all exceptions and objections) by Mr. Smith:

Q. The Thomas Coal Company is a lessee under the Girard estate to mine coal?—A. Yes, sir.

Q. The copy that you furnished Mr. Beers, on page 25 of the atlas, does not give the borough-lines of Shenandoah?—A. Yes, it does; the borough-line was dotted. The western line (indicating on map) does not seem to be dotted, although it was on the map I furnished, but the north line is dotted.

Q. This map does not show where the Thomas Coal Company houses stand?—A. No, sir.

Q. Have you made an actual survey of the borough of Shenandoah at any time?—A. No, sir; I have made a survey of a portion of the line; I have been on the north line and west line, but they were not run for the purpose of ascertaining the line of the borough; it was before the borough was incorporated; but they were running the lines between the Girard estate and the Sarah More tract and Jones tract. Certainly the north line was run, and the western line, I think, before the incorporated.

Q. In regard to the borough of Pottsville, have you got a map showing where Mr. Weller lives?—A. I think I have; that I know from actual survey.

Q. Can you tell by this map in this atlas the borough of Pottsville? —A. I think there is a small map in this book, by Mr. Strouch, of the borough of Pottsville (witness examines atlas); yes, I can locate Mr. Weller's house on this map (page 89). It is the northwest corner of Arthur street and Mill Creek avenue, in the Chamberlain addition, as it is called.

A. B. COCHRAN.

Sworn and subscribed before me this 13th day of March, 1877.

C. LITTLE,
Notary Public.

TUESDAY, *March* 20, 1877.

Morning session. Examination resumed at 10 a. m. Counsel for respective parties present.

ANDREW B. COCHRAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Mr. Cochran appears for the purpose of correcting his own testimony, given under a former hearing, and is examined by mutual consent.—Answer. I was called in off the street, without any opportunity to make any examination, and questioned in regard to the north lines of the borough of Shenandoah and as to the location of some houses at the Thomas colliery. The lines of the borough are shown on maps in my possession. The north line is shown on our maps, and I find upon an examination of them that they are incorrect on our maps in Beer's Atlas, and that those houses I alluded to in my examination are in the borough of Shenandoah and not in the township, as I previously testified. I have examined the record at the recorder's office of Schuylkill County—Miscellaneous book, page 560, I think it is—the proceedings as recorded of obtaining the original charter of Shenandoah, and also the proceedings in 1875, when the borough of Shenandoah was divided into wards and the maps attached. I made this from the record, and it is a correct copy.

Q. Do you know whether all the property of the Thomas Coal Company is included within that line that extends up there by the Girard estate?—A. I know that all of it is not included.

Q. Are you acquainted with the particular location of the dwelling-houses known as the dwelling-houses of the Thomas Coal Company, as compared with that of Shenandoah?—A. Yes, sir; a portion of the breaker is in the township.

Q. And all of the houses are within that line on the south side of it? —A. Yes, sir; it belongs to the Thomas Coal Company's houses. The two maps show the borough limits; the houses are not shown on either of them; upon one of them the street upon which the houses are built is shown.

(No cross-examination.)

A. B. COCHRAN.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

FRANCIS LEWIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the last November election?—Answer. Yes, sir.

Q. Where?—A. Ashland, in the west ward.

Q. You were subpœnaed to bring here to-day your tax-receipts for 1874, 1875, and 1876; have you got them?—A. I have got the receipt for 1876. (Receipts produced.)

Q. This is the only receipt you have for taxes paid within two years of election?—A. Yes, sir; that is the only receipt I have since 1873, I believe; I am not sure though. I and somebody was talking about it in Ashland, and I said it was 1874, but I am not sure. I have not paid my taxes since I lived at Donaldson. I am not sure when it was.

Q. What time of the year did you live there?—A. I can't say, but I know it was coming on fall.

Q. If you paid the tax in 1874, can you say whether or not it would be before November, 1874, that you left Donaldson?—A. I believe it was somewhere around the fall.

Q. And you did not pay any tax since you left Donaldson until you paid this tax?—A. No, sir; I paid State and county tax in September.

(Mr. Reilly, on behalf of the incumbent, offered in evidence the following tax-receipt, dated

"ASHLAND, PA., *October* 23, 1876.

"Received of Francis Lewis four dollars and $\frac{5}{100}$ in full for State, county, and borough taxes for the year 1876.

"A. LALLY, *Collector*.")

Q. Were you born in this country?—A. No, sir.

Q. You were notified to produce your citizen-papers?—A. I have them. (Papers produced.)

Q. How long had you lived in the west ward of Ashland up to the day of election?—A. I moved there a year last June or July, I believe.

Q. Will you please tell us for whom you voted for Congress at the last November election?—A. I voted the Republican ticket.

Q. Including the Republican candidate for Congress?—A. Yes, sir; I voted a straight ticket.

(No cross-examination.)

his
FRANCIS + LEWIS.
mark.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

EBENEZER MILES, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

(Mr. Smith, on behalf of contestant, objected to the examination of this witness—that no such name appeared on the notice served upon contestant.

Mr. Reilly, on behalf of incumbent, stated that the notice served, or the name given, was that of Ebenezer Miles, and the witness upon the stand is the same person of whom it was intended to give contestant notice, and incumbent was not aware of the difference in the name until witness was called upon the stand.)

Question. Did you vote at the last November election?—Answer. Yes, sir.

Q. Where?—A. At the west ward in Ashland.
Q. You were notified to produce here your tax-receipts; have you got them?—A. No, sir; I have got my papers, though.
Q. Have you any tax-receipts?—A. No, sir.
Q. Have you paid a State or county tax within two years of last November election?—A. The 1874 I paid.
Q. Where is the receipt?—A. My children got it and spoiled it.
Q. To whom did you pay the tax?—A. I could not say the man's name; he was an oldish man.
Q. What tax was it?—A. I paid school and county tax.
Q. What time in 1874 did you pay it?—A. About the month of August, as near as I can tell.
Q. You have paid no State or county tax since then?—A. No, sir. (Receipt produced.)
Q. Where were you born?—A. In Wales.
Q. In what year?—A. Indeed, I couldn't say exactly what year.
Q. How long are you in this country?—A. About twenty-seven or twenty-eight years.
Q. How old are you?—A. I will be twenty-nine next December; the 16th.
Q. Have you lived in this country ever since you first came here?—A. Yes, sir.
Q. How long had you lived in the west ward of Ashland up to the time of the election?—A. I couldn't say; I was away about five years in the State of Ohio.
Q. When did you return?—A. In 1874; in September, 1874.
Q. And lived there continuously up to the time of the election?—A. Yes, sir.
Q. For whom did you vote for member of Congress?—A. I voted the full Republican ticket.
Q. Including the Republican candidate for Congress?—A. I couldn't say; I got it at the ticket-office somewhere; Jesse White gave it to me.
Q. Was he an active Republican?—A. He told me so.
Q. Can you read?—A. Yes, sir.
Q. Did you read your ticket?—A. No, sir; I didn't open it.
(No cross-examination.)

EBENEZER MILES.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

THOMAS WEBER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.
Q. Where?—A. At Sweeney's.
Q. In what township?—A. North Butler.
Q. Where did you live at the time of the election last November?—A. In Oakland.
Q. Where is the house that you live in?—A. Oakland is the name of the place.
Q. Is it in the borough of Ashland?—A. No, sir.
Q. In North Butler Township?—A. Yes, sir.
Q. You were subpœnaed to bring your tax-receipts?—A. I didn't pay any tax. I was not assessed.

Q. How old are you?—A. I am twenty-three. I will be twenty-four the 4th of July.

Q. Have you never paid a State or county tax?—A. No, sir.

Q. Were you born in this country?—A. Yes, sir; in Tamaqua.

Q. For whom did you vote for member of Congress last fall?—A. James Nutting.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Did you read your ticket?—A. No.

Q. You did not?—A. I know who I voted for.

Q. Did you read it so that you knew whose name was on it?—A. No; I knew who was on it.

THOMAS WEBER.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM GARNER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where?—A. Fountain Springs.

Q. Where do you live?—A. In the borough of Ashland now.

Q. You were subpœnaed to produce your tax-receipts; have you got them with you?—A. I don't need any.

Q. You have never paid any taxes?—A. No, sir.

Q. How old are you?—A. I am twenty-two next October.

Q. In what year were you born?—A. In 1855; the 3d of October.

Q. Had you voted at a general election prior to the election last fall?

(Mr. Smith, on behalf of contestant, objects to the question as irrelevant.

Mr. Reilly, on behalf of incumbent, stated that the object was to test the correctness of the answers he now gives as to the age which he says he is at the present time.)

A. Well, I didn't vote.

Q. Were you sworn at that election?—A. Yes, sir.

Q. Before the election-board?—A. Yes, sir.

Q. When did you move to Ashland?—A. I moved, I think it was either the 4th or 2d of last December.

Q. Where did you live at the time you voted?—A. At Fountain Springs.

Q. Who with?—A. I lived by myself.

Q. Are you a married man?—A. Yes, sir.

Q. Had you your family there?—A. Yes, sir.

Q. How long had you lived at Fountain Springs before the election?—A. From December, 1875, until the election.

Q. Then you moved where?—A. I moved back to Ashland after the election.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You did not offer to vote at any general election before last November?—A. No, sir.

Q. And when you say that you were sworn you mean to say that you were sworn at the election of November last?—A. Yes, sir.

WILLIAM GARNER.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

REESE R. REESE, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. In what ward?—A. The north ward of Pottsville.

Q. You were subpœnaed to produce your tax-receipts for the last two years; have you got them?—A. Yes, sir. (Receipts produced.)

Q. Who is Edward R. Reese?—A. My son.

Q. Were you born in this country?—A. No, sir.

Q. How old were you when you came to this country?—A. Between fourteen and fifteen years.

Q. How long had you lived in the north ward up to the time of the election?—A. Fifteen years next April.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You paid all your State and county tax?—A. Yes, sir.

his
REESE R. + REESE.
mark.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

CONRAD BISCHOFF, being duly sworn according to law, doth depose and say in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where?—A. At Tamaqua.

Q. In which ward?—A. In the north ward.

Q. You were subpœnaed to produce here to-day your tax-receipts for 1874, 1875, and 1876?—A. Well, I have only one; of course I paid my taxes until only a couple of weeks ago. (Receipt produced.)

Q. Did you pay this on the day this receipt is dated?—A. Yes; I paid some before and some afterward.

Q. This is signed H. Donohue, per J. P. Donohue. Was he collector of State and county taxes for 1876?—A. I don't know as he was for 1876.

Q. This is the only one you have?—A. Yes, sir; I thought it was no use to bring the other along with me.

(No cross-examination.)

C. BISCHOFF.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

DANIEL DEAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. In what election-district?—A. In the south ward of the borough of Tamaqua.

Q. You were subpœnaed to produce here to-day your tax-receipts for the years 1874, 1875, and 1876?—A. I have not got the 1874. I have got the last tax-receipts I paid. The 1874 I put on file in a receipt-book and could not get it out without disfiguring some of the others.

Q. This is for the last tax in 1874, paid on the 10th of June, 1876?—A. Yes, sir.

Q. Was Mr. Donohue collector in 1876?—A. No, sir; not in 1876 he was not.

(No cross-examination.)

DANIEL DEAN.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

JOHN B. SHEARER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. In what election-district?—A. In the north ward of Tamaqua.

Q. How long had you lived there up to the time of the election in November last?—A. From May to November.

Q. Which ward did you live in at the time of the election?—A. I lived in the north ward before, and then I moved to the south ward.

Q. When did you move into the south ward?—A. In May.

Q. You were living in the south ward in November?—A. Yes, sir.

Q. And voted in the north ward?—A. Yes, sir; voted in the north ward.

Q. For whom did you vote for member of Congress?—A. I voted the Democratic ticket through, excepting Mr. Reilly. I have to tell it.

Q. For whom did you vote for member of Congress?—A. I voted for Nutting.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith.

Q. In which ward did you live?—A. I lived in the north ward before.

Q. How long had you lived in the north ward?—A. Three years.

Q. And then, when did you move?—A. And then in May I moved into the south ward.

Q. And lived there up to the day of the election?—A. Yes, sir; and I live there yet. When I first went down I didn't want to vote at all, and they asked me if I had voted and I said no, and they wanted me to vote.

Q. Did you read your ticket before you put it in?—A. I was sure I had the Democratic ticket through, excepting Reilly. I looked over it when I put it in.

Q. Did you see Mr. Nutting's name on it?—A. I don't know.

Q. Would you swear positively?—A. I would swear positively that it was there.

Redirect examination by Mr. Reilly:

Q. Why do you say you voted the full Democratic ticket excepting for me?—A. I don't know; nobody told me.

Q. And you intended to vote for Mr. Nutting?—A. Intended myself to vote for him.

Q. What reason have you for believing that you voted for Mr. Nutting and not for me?—A. I put it in; I can't say that I seen Mr. Nutting's name on it or your name.

Q. You answered that you voted the full Democratic ticket except for me, and you voted for Nutting?—A. Yes, sir; that is the way it was; a fellow said to me, "Who will you vote for?" and then he gave me a ticket, and that is the whole length of it.

JOHN B. SHERER.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

JOHN WENZEL, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where?—A. In the north ward in Tamaqua.

Q. You were subpœnaed to produce here your tax-receipts; have you got them?—A. Yes, sir. (Receipt produced.)

Q. Will you please state whether you received any money for the purpose of influencing voters in your election district?—A. I received some money, but not for election purposes. I received some money because I kept a saloon; parties spend a little money.

Q. I do not refer to that which you received in the course of your business, but outside of that?—A. I didn't receive any money.

Q. None but what you received in the course of your business?—A. That is all that I received.

Q. Was there not a large amount of money paid to you, to be expended in the north ward of Tamaqua for the purpose of procuring votes?—A. Not a cent. I made up my mind what I was going to do, and that I would not interfere in any election, and no man can say that I ever interfered in any election. I didn't say that they should vote for you or any man.

Q. You know nothing of any arrangement?—A. I didn't make any arrangement.

Q. By which this money was to be paid?—A. No, sir.

Q. And received no such money?—A. No, sir; I had nothing to do with any party whatever.

(No cross-examination.)

JOHN WENZEL.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM SHAFFER, being duly sworn according to law, doth depose and say in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where?—A. At Saint Clair, in the north ward.
Q. You were subpœnaed to bring your tax-receipts for the last two or three years; have you got them with you?—A. I have. (Receipts produced.)
Q. Were you born in this country?—A. Yes, sir.
Q. Where were you living at the time you voted in the north ward of Saint Clair?—A. I was not living in the north ward; I just got out of it.
Q. Where were you living?—A. Saint Clair.
Q. In what ward?—A. In the middle ward.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. How long had you lived in the north ward before the election; for how many years?—A. Very nearly two years. I couldn't say how near.
Q. Are you keeping house?—A. Yes, sir.
Q. When did you rent the house in the other ward?—A. Two weeks before the election.
Q. When did you move there?—A. I moved the day after I rented it.
Q. Then you had moved your family over about two weeks before the election?—A. Yes, sir.
Q. Had you given up the house that you had lived in?—A. I gave that up the day I moved.

Redirect examination by Mr. Reilly:

Q. For whom did you vote for member of Congress at the last November election?—A. I voted the Republican ticket.

WM. SHAFFER.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

JOHN THOMAS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.
Q. Where?—A. In the north ward in Saint Clair.
Q. You were subpœnaed to produce your tax-receipts; have you got them?—A. Yes, sir. (Receipts produced.)
Q. Where were you born; in this country?—A. No, sir.
Q. Have you got your citizen-papers with you?—A. No, sir; not the last one.
Q. Have you got any with you at all?—A. I have got my first paper.
Q. Is this the only paper that you ever got out?—A. Yes, sir.
Q. Where were you born?—A. In Wales.
Q. You never got out any other citizen-paper but this?—A. No, sir; I didn't know as I was to receive any other.
Q. Is this the paper that you claimed the right to vote on?—A. I didn't have that paper at the time I voted.
Q. And it is the only paper that you ever got?—A. Yes, sir. I am long enough in the country, but nobody ever told me anything about it.
(Mr. Reilly, on behalf of incumbent, offered in evidence the following, being a portion of a certificate of naturalization:

STATE OF PENNSYLVANIA, *ss:*

Be it remembered that at a court of common pleas held at Pottsville, in and for the county of Schuylkill, on the 13th day of March, 1877, personally appeared John Thomas before the said court, who, upon his solemn oath, did depose and say that he is a native of Wales, now residing in the county of Schuylkill, and that it is his *bona-fide* intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, or sovereignty whatsoever, and particularly to Queen Victoria, Queen of Great Britain and Ireland, of whom he was before a subject.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court, at Pottsville, on the 17th day of March, in the year of our Lord 1877.

THOMAS F. KEARNS,
Prothonotary.

Sealed at the prothonotary's office, Schuylkill County, Pennsylvania.)

Q. You got this paper out last Saturday?—A. Yes, sir.

Q. You never had any citizen-paper at all, then, before this?—A. No, sir; I had no friends to tell me anything about it.

Q. For whom did you vote for member of Congress at the election last November?—A. I voted for Nutting.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Did you see Mr. Nutting's name on the ticket, yourself?—A. No, sir; I didn't see no name at all. A man that lives up in the patch there, he gave me a ticket. It was Crowley, who lived up in the patch, at Saint Clair, who gave me a ticket. There was two tickets given me. I voted the last ticket that was given me. Crowley, he gave me the first, and I didn't say nothing to anybody, and then I went in and put in the second piece of paper. There was United States on it, and I think there was some more letters put on top of it, but I never looked.

Q. Who gave you the ticket that you voted?—A. Joseph Urch gave me the ticket I voted.

JOHN THOMAS.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

DANIEL ANN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where?—A. In South Cass, at the Primrose poll.

Q. You were notified to bring your tax-receipts. Have you got them?—A. Yes, sir. (Receipts produced.)

Q. You paid for this receipt at the time you got it?—A. Yes, sir.

Q. Both of these receipts?—A. Yes, sir.

Q. You were notified to bring your citizen-papers?—A. Well, the citizen-papers I have not got.

Q. Where were you born?—A. I was born in France.

Q. When did you get your papers?—A. In 1868.

Q. Where?—A. Here, in the court-house.

Q. Did you get your full papers at once?—A. Yes, sir.
Q. And only swore at one time?—A. Yes, sir.
Q. When were you born?—A. In 1823.
Q. What year did you come into the country?—A. I came in 1854.
Q. Were your papers kept in the McKibben and James contest?—A. It was in Minersville, at McKibben's contest.
Q. You were examined there about your right to vote?—A. Yes, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Were you a soldier in the war?—A. Not in this country.

Redirect examination by Mr. Reilly:

Q. For whom did you vote for Congress at the last election?—A. I couldn't say for sure what name; I know I voted the Republican ticket. I knew it was a Republican that gave it to me. Dolbin and John R. Davis were with me, and I asked him for the right ticket.
Q. What did you mean by the right ticket?—A. The Republican ticket.
Q. John R. Davis and Dolbin were there giving out tickets?—A. Yes, sir; one of them gave it to me, and I asked if that was the right ticket, the Republican ticket, and he said yes. I don't know what name was on it; I couldn't swear.

DANIEL ANN.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

EDWARD EDWARDS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.
Q. Where did you vote?—A. At South Cass.
Q. You were subpœnaed to produce here your tax-receipts; have you got them with you?—A. Yes, sir.
Q. You paid for this receipt in 1874, at the time you got the receipt?—A. Yes, sir.
Q. Where were you born?—A. In South Wales.
Q. You were notified to produce here your citizen-papers; have you go them with you?—A. Yes sir.
Q. In what year were you born?—A. In 1840.
Q. How long had you lived in South Cass, prior to the election?—A. I lived there some twelve or thirteen years.
Q. Continuously?—A. Yes, sir.
(No cross-examination.)

EDWARD EDWARDS.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

MARTIN CARTRIGHT, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where?—A. In the middle ward of Pottsville.

Q. You were subpœnaed to produce your tax-receipts; have you got them?—A. I have some; there is 1875 and 1876; 1874 I could not find. (Produces receipts.)

Q. You were born in this country, I believe?—A. Yes, sir.

Q. Where did you live on election-day last November?—A. I lived in Third street. I lived around there three years in the middle ward.

Q. You live in the same place that you lived the day that you voted?—A. No, sir; I lived in under the Jewish synagogue. I lived there two years, and then I moved just around the corner.

Q. When did you move?—A. In March.

Q. March before the election?—A. Yes, sir; I lived there until—last Thursday was a week since I moved away from there.

Q. Where do you live now?—A. I live in Fairview.

Q. In the northwest ward?—A. Yes, sir.

Q. When did you move there?—A. This Thursday coming will be two weeks since I moved.

Q. Did you live in the middle ward of Pottsville on election-day?—A. Yes, sir; I lived there three years, and paid taxes in the middle ward three years.

(No cross-examination.)

his
MARTIN + CARTRIGHT.
mark.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

PUTNAM HANLEY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where did you vote?—A. In the middle ward.

Q. Of the borough of Pottsville?—A. Yes, sir.

Q. You were subpœnaed to produce here your tax-receipts for the last couple of years. Have you got them?—A. No, sir; I never paid any taxes.

Q. How old are you?—A. Twenty-two years old.

Q. When were you twenty-two?—A. Last April.

Q. That is April, 1876?—A. April, 1876, I was twenty-two.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. How do you know your age?—A. I have seen it on the record at home.

Q. What year were you born?—A. Eighteen hundred and fifty-four; the 17th of April.

Redirect examination by Mr. Reilly:

For whom did you vote for member of Congress at the last November election?—A. Nutting.

PUTNAM HANLEY.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

MORGAN HAVARD, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last November?—Answer. Yes, sir.

Q. Where?—A. Up at Primrose, South Cass election-district.

Q. You were subpœnaed to produce here your tax-receipts; have you got them?—A. Yes, sir. (Receipts produced.)

Q. Did you pay for this receipt in 1874, at the time you got it?—A. Yes, sir.

Q. The day that the receipt is dated?—A. Yes, sir.

Q. Where were you born?—A. In South Wales.

Q. How long had you lived in South Cass up to the time of last election?—A. I have been in this country fourteen years next June, and it is there I have been staying all the time.

(No cross-examination.)

his
MORGAN + HAVARD.
mark.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

JAMES E. BRENNAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Did you vote at the election last fall?—Answer. I did, sir.

Q. Where?—A. South Cass.

Q. If you know anything of the payment of money for the purpose of securing votes in your election-district, will you please state what knowledge you have on the subject?

(Mr. Brumm, on behalf of contestant, objected to the question as irrelevant and immaterial, as the parties to this issue have not been shown to be connected with the giving of any money, and witness need not answer.

Mr. Reilly, on behalf of incumbent, replied that the evidence is material and relevant in support of the allegation contained in his answer to contestant's notice that illegal votes were cast for him by bribery and the use of large amounts of money or other unlawful consideration.)

A. I know nothing of the use of money to influence any voter to vote otherwise than they would conscientiously vote. I know of money; I received money; but I was uninfluenced by the use of money.

Q. What amount of money did you receive?

(Mr. Brumm, on behalf of contestant, objected to the question. Until it is shown that it was used illegally or for corrupt purposes it cannot be evidence, unless it was with the knowledge of parties to this issue, and for their benefit.)

A. I believe I received between $225 and $230, as near as I can now reckon it.

Q. When did you receive it?

(Mr. Brumm, on behalf of contestant, objected to the question.)

A. Well, I can't gives dates. I received, I suppose, about two weeks before election, $25. I received again, a short time after, $50. I received again, after the election, a short time after it, $75. I believe I received again—later again—$75 or $78 within a few dollars.

Q. When did you receive the last payment?—A. I can't give the date; I think it was about nine or ten days after the election. I am not positive as to the real date.

Q. Did you receive all these several amounts of money from the same person?—A. I received all these several amounts of money from the same person.

Q. Will you not state whether that money was given and paid in consideration of a certain number of votes being cast for the Republican member of Congress in your district?

(Mr. Brumm, on behalf of contestant, objected to the question as cross-examination of incumbent's own witness, and suggestive of the answer.)

A. That money was agreed to be paid upon a basis, agreed upon, of the vote for the Congressional candidate.

Q. Just state what that agreement was.

(Mr. Brumm, on behalf of contestant, objected.)

A. That agreement was this: That for every vote that would be returned for the Congressional candidate this time——

Q. Which Congressional candidate?—A. The Republican candidate—this time more than he got the last time, that I was to get $5 and Terence O'Connor was to get half of it.

Q. Was there any particular number of votes agreed upon?

(Mr. Brumm, on behalf of contestant, objected.)

A. No, sir; no particular number of votes agreed upon.

Q. Will you state when that agreement was made, or that understanding?—A. I believe that arrangement was made between Charles Brumm on the one part, and Terence and myself on the other, some two weeks before the election.

Q. Will you state whether or not a sum of money, any particular sum of money, was agreed upon more than the sum of $5 for each, if there was any excess over the ballot of 1874 for member of Congress?

(Mr. Brumm, on behalf of contestant, objected.)

A. Not that I am aware of. I don't remember of any now.

Q. Will you state whether or not the money that you received after the election was paid to you pursuant to the arrangement before the election?

(Mr. Brumm, on behalf of contestant, objected.)

A. It was paid in accordance with the basis.

Q. Will you state whether or not you made a calculation of the number of votes and the difference between the two elections?

(Mr. Brumm, on behalf of contestant, objected.)

A. I made my own calculation to the best advantage I could.

Q. Tell us what it was.—A. It was this: that I thought there was more than two times thirty-one votes, Republican votes, in our township that were cast for Theodore Garretson, the candidate three years ago.

Q. Were the sums of money that were paid to you arrived at by any calculation of the number of votes that were in excess?—A. They were in accordance with the basis of the arrangement.

Q. Will you state whether you took an active part in the election on election-day to secure votes for the Republican candidate?

(Mr. Brumm, on behalf of contestant, objected.)

A. I took no active part to secure votes for any party on election-day outside of the Cooper electoral ticket.

Q. Did you expend any portion of this money that you received for the purpose of influencing votes?—A. No, sir.

Q. Will you state whether or not you gave any portion of the money to any other person?—A. I gave William Shortel $8 of this money some time after the election, for he agreed to give me a place as an overseer, and——

Q. Was this the only portion of this money that you gave to any other person?—A. Half of it went to O'Connor.

Q. Was the whole of the money paid to you?—A. I believe it was.

Q. And you afterward divided it with O'Connor?—A. I divided it there and then.

Q. At the time it was paid?—A. Yes, sir; it was part of the arrangement.

Q. Did you ascertain or make a calculation of how many more votes were cast in your district in this election than in the preceding election?—A. After the election?

Q. Yes, sir.—A. Yes, sir.

Q. How many votes did you ascertain was the difference?—A. The way I reckoned it up was that there were thirty-one cast the first year when you run, and sixty-seven against you this year. I think these are the figures. I am not positive. I have only got it in my mind.

Q. Will you state whether or not you exerted yourself to have that increased?—A. I exerted myself strictly to have the election carried straight, according to the election laws, as I understand them.

Q. You stated that there were sixty-seven votes cast in your district at the last election, and at the former election thirty-one; did you do anything to affect their increase?

(Mr. Brumm, on behalf of contestant, objected.)

A. Did I do anything to affect their increase?

Q. Yes, sir.—A. I have.

Q. Will you state whether you, at the time you received the sums of money which were paid to you after the election, represented that you had secured the increased vote, and was therefore entitled to have the agreement carried out?

(Mr. Brumm, on behalf of contestant, objected to the question, that it is suggestive of the answer, and cross-examination of incumbent's own witness, and irrelevant and immaterial.)

A. I demanded the recognition of the returns of the vote.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. When you were first spoken to about this election was it not after you had stated that you intended not to vote for Mr. Reilly, because of some difficulty you had with the delegate election out there?—A. My position I defined previous to anything of this arrangement, which I believe Mr. Reilly knows.

Q. When you were first spoken to about this arrangement were you not asked whether you would exert yourself to see if there was an honest election held at your poll?—A. There was something said.

Q. Did you not state at that time that you were satisfied that Garretson did not get credit for near all the votes that were polled for him, and that you thought something ought to be done to insure an honest election and a fair and honest count?—A. I can't say that those are the exact words, but that I was satisfied that there were more Republican votes in the township than 31, and that in my opinion there was more than two times 31.

Q. State whether or not you did not say, in substance, that you had reason to believe that the elections in Cass Township were a fraud for some years back, and that they were manipulated by certain parties

inside and aided by parties outside?—A. I don't know that I have said those words, but I have said that there were many persons voted there who had no right to vote and who had paid no tax, and who I thought could be stopped from voting if an effort was made on the ground that they paid no tax.

Q. Did you not frequently tell me, before last election, that you were satisfied that the elections were not honestly carried on in Cass Township?—A. I did.

Q. When I began to negotiate with you, as you have stated in your examination-in-chief, state whether I did not tell you that all we asked was that you and Terence O'Connor, with such friends as you saw fit, should see that we got credited with an honest vote, and that there was to be an honest election.—A. Yes, sir; that was the arrangement.

Q. And that for that purpose we were willing to pay you well?—A. Yes, sir.

Q. State whether or not you were cautioned, frequently, that there was to be nothing done that was illegal in this matter; that it was not to be used to corruptly influence any voter.—A. That was the understanding.

Q. But it was to simply see that we got our honest vote as far as you were able to see that?—A. Yes, sir.

Q. Then state whether or not, when it came to the consideration of this, we did not have some difficulty upon what basis we should pay you.—A. I made the proposition that it would be best to base it upon the Congressional vote. That was the best way I knew how to make it.

Q. Then, when the question of payment arose I agreed that we should pay for your work accordingly as the ballot showed that we had an honest vote, and the basis of that calculation was the Congressional vote?—A. That was it.

Q. Now state whether or not there was any disturbance at that election on that day.—A. There was.

Q. State whether they did not break in the windows that day?

(Mr. Reilly, on behalf of incumbent, objected that it is not cross-examination, immaterial, and irrelevant.)

A. There was a stone, or some other such material, fired into the window just as the ballot closed, and broke the window.

Q. In this negotiation, a part of the arrangement made with you and O'Connor was that you were to procure signers to a petition to have overseers upon it?—A. Yes, sir; that was the arrangement.

Q. And you were to suggest good men that we could suggest to court to be appointed for the purpose of attending to matters inside?—A. That was a part of the arrangement; but some other parties filled out another petition and presented the same names that I had to present; however, one of those men was objected to and not appointed by court.

Q. It was pursuant to that objection that you had this man Shortell named who was to be the one?—A. He was to be the one.

Q. To go inside?—A. Yes, sir.

Q. Along with William Mapstone?—A. Yes, sir.

Q. You yourself were not influenced by this money arrangement at all?—A. No, sir.

Q. You never used it to influence anybody else's vote?—A. I never did.

Q. Nor was it understood that you were to use it for any such purpose?—A. No, sir; nor was it understood——

Q. State whether or not to take an open stand in the township of

Cass against the majority party there, especially by one of your nationality, is not a very injurious undertaking as a general thing.

(Mr. Reilly, on behalf of incumbent, objected.)

A. The only answer I have got is, that it was an unpleasant position to take.

Redirect examination by Mr. Reilly:

Q. Will you state whether or not a petition was presented to the court, signed by the voters of South Cass election-district, to appoint overseers?—A. I had a petition.

Q. Whether any petition was presented to the court, asking that overseers be appointed?—A. I can't say that it was. I had another petition which——

Q. Will you state whether or not overseers, who said they were appointed at the court to act at that election, did so act?—A. Who said they were appointed?

Q. Yes, sir.—A. I can't say whether they were appointed or not; but I did say there were overseers there.

Q. That did act in the capacity of overseers?—A. Yes, sir.

Q. Who were they?—A. William Mapstone, I believe, was one, and Thomas Carroll was another; but he didn't come there until noon.

Q. Was there any disturbance at that poll; was there any interference with any persons voting from the time it opened until it closed?—A. No, sir; it was after it was closed that the stone was thrown.

Q. There was no fight or quarrel at that time at the poll?—A. Not that I am aware of.

Q. Was it known by whom the stone was thrown?—A. I don't know who it was.

Q. Will you state whether or not it was then dark?—A. Well, it was dark; just dark, and the window-light was just pulled down, and immediately the stone was thrown; stone or iron, or whatever it was.

Q. Do you know of any persons, who have heretofore acted with the Democratic party, who voted for the Republican candidate for Congress at the last election?

(Mr. Brumm, on behalf of contestant, objected to the question as irrelevant and immaterial.)

A. Yes.

Q. How many such persons in your election-district do you know of?—A. I can give you what I know. I know of one positively who acted heretofore with the Democratic party.

Q. Will you tell who that was?

(Mr. Brumm, on behalf of contestant, objected.)

The COMMISSIONER. Have you any objection to answering that question?

A. I have no particular objection. That was your humble servant, sir.

Q. Have you heard others, who have heretofore been Democratic, and who in part voted the Democratic ticket at the last election, say they voted for the Republican candidate for Congress?

Mr. SMITH. What is the object of this?

Mr. REILLY. The object is to ascertain what persons voted at that election for Mr. Nutting.

(Mr. Smith, on behalf of contestant, objected; that the qualified voters of that district had a right to vote for whom they pleased without answering to the incumbent in this contest.)

A. I did.

Q. Who were they?—A. It places me in an unpleasant position when it comes to that; however, there is nothing in it more than the exposure of some persons, but I may tell something that they themselves couldn't be made to tell. I believe that Edward Foley told me that he did. It occurs to my mind that he did.

Q. Any one else?—A. I believe William Shortell did. I came to hear it accidentally. I am not sure of it.

Q. I do not ask you to answer unless you can answer my question?—A. Unless I heard him say so? Well, I heard Simon Stapleton say so, I think.

Q. Any others?—A. It occurs to my mind, I can't say positively now as to the name I was going to mention. You have subjected me to those that had been Democrats before?

Q. Yes, sir.—A. I can't remember of any now, any more that I heard say so.

Q. Did you have any conversation with any of these people preceding the election, and after the time you had made this arrangement to see there was a fair election in South Cass?

(Mr. Brumm, on behalf of contestant, objected to the question as impertinent, irrelevant, and immaterial.)

A. I had several conversations with William Shortel; that is about all the persons that I mind of that I had a conversation with; the other names I have mentioned I gave to you just as I heard it accidentally.

Q. Did the number of votes that were cast for either of the candidates afford you any means of determining whether they were Republicans or Democrats in politics?—A. Nothing more than my knowledge is of the people and their politics. I have a good idea of the politics in Cass Township.

Q. Do you know the politics of the sixty-seven persons that were returned as having voted for the Republican candidate?

(Mr. Brumm, on behalf of contestant, objected.)

A. I don't know the politics of the sixty-seven.

Q. You were asked here if it would not be dangerous to stand up at that poll against the majority party; do you know whether men who were Republican in politics did stand at that poll all day at the last election and advocate the Republican party?

(Mr. Brumm, on behalf of contestant, objected to this question, as it presumes a fact not in evidence.)

A. O, yes; I saw them there all day.

Q. Have you known of persons of your nationality doing the same thing at the last or in the preceding election?—A. Stand out and electioneer?

Q. Yes; for the majority party, as he calls it.—A. Do you make reference to the last election?

A. Yes.—A. Not at the last election.

Q. Did you mean, when you answered that it would be an unpleasant position to take, that it would be unpleasant if it was known that the person had received a large amount of money?

(Mr. Brumm, on behalf of contestant, objected to the question as cross-examination.)

A. That it would be unpleasant against the current of opinion there.

Recross-examination by Mr. Brumm:

Q. The persons whom you stated stood there in the interest of the Republican party were those who were identified as Republicans, were they not?—A. I could name them.

Q. I do not want them named.—A. I looked upon them as Republicans.

Q. Your township is composed largely of Democrat voters, is it not—a very large majority?—A. Yes, sir.

Q. And principally of Irishmen by birth or descent?—A. Yes, sir.

Q. And you are yourself Irish, either by birth or descent?

(Mr. Reilly, on behalf of incumbent, objected.)

A. Irish by birth.

Q. Then what you meant by saying that it was unpleasant was on account of its being largely composed of your own nationality, and that they would make it unpleasant for any person of your own nationality who would think differently from them?—A. I believe it would at that time, but I have seen times when it would not.

Q. The Irish folks, as a rule, were especially enthusiastic on behalf of Mr. Reilly, were they not?

(Mr. Reilly, on behalf of the incumbent, objected.)

A. I don't believe they were near as enthusiastic as they were when he ran first.

Q. In comparison with other candidates on the ticket, were they not more for Mr. Reilly, as a rule, than they were for other candidates on the ticket?—A. Well, I believe they were; that is, in our neighborhood.

Redirect examination by Mr. Reilly:

Q. Do you know who were the other candidates on the ticket with me for county offices?—A. I don't know that I remember.

Q. Do you know whether or not they received more votes in your district than I did?

(Mr. Brumm, on behalf of contestant, objected to the question that the record is the best evidence.)

Q. Do you not know that there were a great many of your nationality referred to, both in your township and North Cass Township, who were not enthusiastic for me during the last campaign?—A. Yes, sir; that is what I meant by saying they were not as——

Q. Have you not heard, and is it not generally rumored, that a great many of that nationality voted against me?—A. Yes, sir; so I have heard.

JAMES E. BRENNAN.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

TERENCE O'CONNOR, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

(Mr. Smith, on behalf of contestant, objected to the examination of this witness, as his name did not appear upon the notice served upon contestant. The name stated in the notice served upon the contestant was Terry O'Connor.)

Question. Did you vote at the last general election?—Answer. Yes, sir.

Q. Where?—A. At South Cass.

Q. By what name are you generally known?—A. Generally as Terence O'Connor.

Q. In your neighborhood?—A. Terence O'Connor or Terry O'Connor.

Q. You were subpœnaed to produce your tax-receipts; have you got them?—A. Yes, sir. (Tax-receipts produced.)

Q. Do you know of the use of money in your township for the purpose of securing votes for the Republican ticket?

(Mr. Brumm, on behalf of contestant, objected.)

A. No, sir; I do not.

Q. Did you receive any money?

(Mr. Brumm, on behalf of contestant, objected.)

A. Yes, sir.

Q. Please state the circumstances, and the amount of money which you received.—A. I got a certain amount of money, and that amount I got from James Brennan.

Q. How much was it?—A. I think, to the best of my opinion, it was something like—well, my portion of it was about $114, somewhere thereabouts. I am not positive as to a dollar.

Q. Why did Brennan give you that money?—A. Because we made an arrangement here with Mr. Brumm that we would see a fair and honest election.

Q. That was the arrangement that was made!—A. Yes, sir.

Q. Were you present at that arrangement?—A. Yes, sir.

Q. How were you to have a fair and honest election?

(Mr. Brumm, on behalf of contestant, objected.)

A. We agreed to go up there in the morning and see that the officers were honestly and properly sworn.

Q. Was that all you were to do?—A. And we remained there until they closed at night.

Q. Was that all the arrangement?

(Mr. Brumm, on behalf of contestant, objected.)

A. The arrangement was that, if we would risk it to do that, we would be paid for it, and we did do it.

Q. Was there anything said about the number of votes that were to be returned for the Republican candidate?

(Mr. Brumm, on behalf of contestant, objected.)

A. Yes, sir.

Q. What was said in relation to that?—A. Mr. Brennan made the arrangements; I didn't take any great interest in it; he came to the conclusion that if we had a fair and honest election we had a very good basis for our promise.

Q. What promise?

(Mr. Brumm, on behalf of contestant, objected.)

A. That we could make the money we did make.

Q. How did you determine that you had a fair and honest election?

(Mr. Brumm, on behalf of the contestant, objected.)

A. Because we were there and Mr. Brennan had a list of all the voters, and if we wished to prevent them from voting we could do it; but neither of us done that. We kept in and out during the whole day, and the thing went pretty fair.

Q. Will you state whether or not this money was not paid to him in consideration that a certain number of votes were to be returned for the Republican candidate for Congress from your election district?

(Mr. Brumm, on behalf of contestant, objected to this question as being leading, suggestive of the answer to the witness, irrelevant, and immaterial, and tends to contradict incumbent's own witness.)

A. Yes; it was.

Q. Tell us the number and what the arrangement or understanding was.—A. Well, as far as I understood, every vote we could get over and above Garretson's vote counted in our arrangement.

Q. What do you mean by Garretson's vote?—A. He was the candidate two years ago; the Republican candidate.

Q. Will you state whether or not that arrangement was carried out, and you were paid some of the money pursuant to that arrangement?—A. Yes, sir; it was carried out and I was paid the money; Jim Brennan paid it to me.

Q. Can you tell us the number of votes upon which the arrangement was settled?—A. Yes, sir.

Q. Please tell us?—A. I think it was thirty-six or thirty-seven votes; I am not positive.

Q. How did you ascertain or arrive at that number?—A. By the returns.

Q. What do you mean by the returns, the difference between the two elections, last year's and the one two years before?—A. Yes, sir.

Q. Will you state whether you were present when this settlement was made?—A. Yes, sir; I believe I was.

Q. When did you receive this money?—A. I got it in three or four installments.

Q. Before or after the election?—A. Some before and more after it; I did not keep a very strict account of it at the time.

Q. How much, as near as you can tell, did you receive before the election, and how much after it?

(Mr. Brumm, on behalf of contestant, objected to this and all foregoing questions.)

A. Myself do you mean?

Q. Yes, sir.

A. I don't remember; I think somewhere between $25 and $30 before the election, and the balance afterward; I don't rightly recollect now.

Q. How long after the election was it that you received whatever money you did receive after the election?

(Mr. Brumm, on behalf of contestant, objected.)

A. It was not long; somewheres in a week, I think; I am not quite positive now; but I know it was not long.

Q. Will you state whether or not, prior to the last election, you had been acting with the Democratic party?

(Mr. Brumm, on behalf of contestant, objected.)

A. I generally pick out my men when I vote. I pick out the men I think I should vote for, let them be Democrats or Republicans.

Q. Did you expend any portion of this money which you received for the purpose of influencing voters at that election?—A. Not one cent.

Q. You retained it all and applied it to your own uses?—A. Yes, sir; I applied it to my own uses.

Q. For whom did you vote for member of Congress at the last election?

(Mr. Brumm, on behalf of the contestant, objected to the question as illegal.)

A. What are my rights?

COMMISSIONER. It is a privileged question which you need not answer unless it is a legal one. One party claims it is illegal and the other claims that it is legal, and you must decide for yourself whether or not you take the risk of the legality of your vote and refuse to answer; that is your risk.

A. I decline to answer unless I am compelled to.

Q. Will you state whether or not your vote was counted in the number upon which you based this settlement?

(Mr. Brumm, on behalf of contestant, objected.)

A. Need I answer that question?

COMMISSIONER. Under the same instructions that I gave you before you can either answer or decline; it is about the same question, indirectly.

A. I decline. I claim that I have the full right to vote for whoever I please; I generally make up my mind to that effect.

Q. And you still refuse to answer either of those questions, do you?—A. Yes, sir.

Cross-examination on behalf of contestant (reserving exceptions and objections) by Mr. Brumm:

Q. Were you paid any money to influence your vote?—A. No, sir.

Q. You voted as you would have voted if you had received this money or not, did you not?—A. Yes, sir. I made up my mind long before this.

Q. When this arrangement was made with you was it not distinctly understood that it was for the purpose of seeing that there was an honest election held in Cass Township?—A. Yes, sir.

Q. Were you not more than once told by the party that gave you this money, and with whom you negotiated, that there was to be no fraud committed and nothing done illegal, but simply that you were to see that there was an honest vote and count for the Republican candidate?—A. Yes, sir.

Q. The Presidential contest was not in this arrangement, was it?—A. I don't remember now. I know that I voted the Cooper ticket.

Q. You stated in your examination-in-chief that you were to be paid for every vote that was obtained; was not that only made the basis of the calculation or the amount that you were to be paid in case you worked to see that the election was honest?—A. Yes, sir; that is what I meant.

Q. You were not offered money to go and buy up votes and influence voters, were you?—A. No; and I didn't influence any voters. I didn't want to do it.

Q. There was a disturbance at that election, was there not, on election-day?—A. Yes, sir.

Q. The window was broken in at the poll?—A. Yes, sir; I was close by at the same time, and I told the officers inside at the time; I told them to keep their ground, that we would stand by them.

Q. State whether there was confusion inside of the room where the stone was thrown?—A. Yes; the officers all got up and were standing one behind the other, and I bolted in and I told them not to be afraid, that I would stand by them.

Q. State whether or not they were frightened?—A. Yes, sir; they were, and I was kind of frightened myself, too.

Q. State whether any inducements were held out to you to get away from that window; and, if so, by whom?

(Mr. Reilly, on behalf of contestant, objected to the question as cross-examination, irrelevant, and immaterial.)

A. Anthony McHale; he got me by the collar and fetched me back.

Q. Anthony McHale is the tax-collector of your township?—A. Yes, sir.

Q. He is the man that was giving out receipts there to all the Democratic voters on election-day?—A. I didn't see him give any out on election-day.

Q. When you spoke of being paid, the arrangement was made according to the difference between the two votes, and you were to be paid according to the difference between the two votes? That money was paid you after the election, was it not?—A. Yes, sir.

Q. All, except about twenty-five or thirty dollars?—A. Yes, sir.

Q. Then the understanding was, if the Republicans' vote was credited to the Republican ticket you were to be paid according to the vote that they polled for that ticket?—A. Yes, sir; for I knew it was a good basis.

Q. And for the purpose of seeing that that was done you were not to influence any voters yourself or to use any corrupt influence, were you?—A. No, sir; no, I didn't.

Q. Then, in counting the vote between the two elections, that was simply done because that was the basis of the calculation to show whether you had faithfully done your work, was it not?—A. Yes, sir.

Redirect examination by Mr. Reilly:

Q. Was the basis upon which you made the settlement the difference between the votes cast for the Republican ticket in 1874 and 1876, or for the difference cast for the Republican candidate for Congress?—A. Yes.

Q. You were at that election all day, were you?—A. Yes, sir.

Q. From the time they opened in the morning until they closed in the evening?—A. Yes, sir; all day.

Q. Was there any disturbance at that election-poll during the day, or any interference with the right and freedom of the voters?—A. No, sir.

Q. Will you state whether or not overseers who were appointed by the court, acted in that capacity at that election?—A. Yes; I believe they did.

Q. How many?—A. Two, I think.

Q. What were they in politics?—A. The two that I knew were Republicans. I know there were two, anyhow.

Q. Do you know what they were in politics, whether one of each party, or both of one party?—A. One of each party.

Q. Do you know who threw that stone?—A. No, sir; I do not.

Q. You do not know whether it was done maliciously or whether it was not?—A. No, sir.

Q. How far away from that window did McHale take you?—A. I was standing at the bar-room door, and he took me from that door to the fence, about two yards.

Q. Was McHale as much alarmed as you or any of the other election-officers after it was thrown?—A. I was not very much alarmed anyhow.

Q. There was only one stone thrown?—A. I believe there was two.

Q. That was after the poll had closed?—A. Yes, sir.

Q. The officers of the election remained there to make the count; did you remain at the poll until after they had finished the count?—A. I remained there some time.

Q. There was no disturbance up there?—A. No, sir; no disturbance that I could see.

Recross-examination by Mr. Brumm:

Q. You went to the polls in the morning; state whether or not you objected to the manner in which they were swearing n the officers—whether there was not some difficulty in opening the polls.

(Mr. Reilly, on behalf of incumbent, objected to the question as immaterial and irrelevant.)

A. I don't rightly remember, but I know we were there present to see that they were all properly sworn in and witness to it. I don't know myself much about the election law.

Q. Did you not state that in Cass Township the elections had been conducted fraudulently there frequently before?—A. Yes; I had that opinion; and there was a good many had that opinion, too.

Q. And that was stated at the time the party gave you the money with whom you negotiated?—A. Yes.

Q. Can you tell us to which party this fraud was attributed?—A. I don't know, indeed.

Q. Do you not know that this fraud was attributed to the friends of Mr. Reilly, who were very enthusiastic at that election; whether they were not perpetrated by those who were strong supporters of Mr. Reilly at the last election?—A. It might be so. I suppose so. I couldn't prove it.

Q. State whether or not you exerted yourself to have certain parties sign a petition to have overseers appointed at that election; whether that was not a part of this negotiation.—A. Yes, sir.

Q. State whether application was made pursuant to that offer of yours to have these overseers appointed.—A. Yes, sir.

Redirect examination by Mr. Reilly:

Q. Have you any knowledge of the perpetration of frauds at the election in South Cass Township, or did you speak only of what you heard?—A. Only what I heard.

Q. Have you heard that the frauds that were alleged to be perpetrated were done in the interest of the Republican party?

(Mr. Brumm, on behalf of contestant, objected.)

A. I have not heard of it.

Q. Did you not hear that there were frauds perpetrated in the interest of the Republican party and for their benefit?—A. I don't know much about it; I didn't take much interest in it then.

TERENCE O'CONNOR.

Sworn and subscribed before me this 20th day of March, 1877.

C. LITTLE,
Notary Public.

Adjourned at 2.30 p. m. until 10 a. m. of to-morrow.

WEDNESDAY, *March* 21, 1877.

Morning session. Examination resumed at 10 a. m. Counsel for respective parties present.

JOHN ROGER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

(Mr. Smith, on behalf of contestant, objected to the examination of this witness, that there is no such name on the notice served upon contestant.

Mr. Reilly, on behalf of incumbent, replies that on the notice attending proof of service, copy served on contestant shows that witness is served by his proper name.)

Question. Did you vote at the election last November?—Answer. I voted this last election here; that was the first time I voted and the other one before.

Q. The time the President ran?—A. Yes, sir.

Q. How old are you?—A. I am in my twenty-fourth year.

Q. You were subpœnaed to bring here to-day your tax-receipts; have you got them?—A. I haven't got none; I never paid any taxes. They never come to me to ask for taxes.

Q. Then you have never paid any taxes yet, nor had a receipt for any?—A. No, sir; I have never paid any taxes yet.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. How old are you?—A. I am in the twenty-fourth year.

Q. When were you born?—A. I don't know; I have it here.

Q. You were twenty-three years old last December?—A. Yes, sir. (Shows certificate of baptism.)

Q. How long have you lived in Pine Grove Township?—A. Since I knowed anything.

Q. Do you know whether anybody else paid any taxes for you?—A. No, sir.

Q. You do not think that there has been any paid?—A. No, sir.

Q. What is your business?—A. I am with a farmer.

Q. A farm-hand?—A. Yes, sir.

Q. How do you know that you were not assessed for taxes?—A. The assessor assessed me last spring, and the spring a year before, and then I voted this last election.

Q. You were on the book, then?—A. Yes, sir; when I was there to vote, and they said it was all right. They asked me if I did pay taxes, and I said I did, and then they said it was all right, and then I pushed the ticket in and went away.

Q. Who is the tax-collector for State and county tax?—A. I don't know.

Redirect examination by Mr. Reilly:

Q. For whom did you vote for Congress at the last November election?—A. For Nutting.

Recross-examination by Mr. Smith:

Q. Did you vote a German or English ticket?—A. I don't know. It was English, like that (pointing to a newspaper).

Q. Could you read the ticket?—A. No, sir; I couldn't.

Q. Then, how did you know that you voted for Nutting?—A. Well, I know it.

Q. But how?—A. They told me.

Q. Then you only say that you voted for Nutting because they told you so?—A. Yes, sir.

Q. Had you the ticket opened to read it?—A. I couldn't read it. I had it opened, but I couldn't read it.

Redirect examination by Mr. Reilly:

Q. You wanted to vote for Nutting?—A. Yes, sir.

Q. And you satisfied yourself that the ticket had his name on it before you voted?—A. Yes, sir.

Q. And you swear now that you did vote for him?—A. Yes, sir.

Recross-examination by Mr. Smith:

Q. You cannot positively swear you voted for him?—A. The way I know I did vote for him is——

Q. You believe you voted for him?—A. Yes, sir; I couldn't read it.

JOHN ROGER.

Sworn and subscribed before me this 21st day of March, 1877.

C. LITTLE,
Notary Public.

Examination adjourned at 11 o'clock a. m. until 10 o'clock to-morrow morning.

THURSDAY, *March* 22, 1877.

Examination adjourned at 10 o'clock a. m. until 10 o'clock to-morrow morning.

FRIDAY, *March* 23, 1877.

Morning session. Examination resumed at 10 o'clock a. m. Counsel for respective parties present.

CHARLES F. HEINE, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

Question. Where do you live?—Answer. In Thomaston, in North Cass Township.

Q. Did you hold any office out there?—A. No, sir.

Q. Were you not one of the election-officers?—A. I was an overseer at the last November election.

Q. Were you there all day?—A. Yes, sir; all day.

Q. How was the election conducted that day?—A. It was conducted very quietly, I thought.

Q. You did not see any disturbance there that day?—A. No, sir; I seen some arguments going on between the men outside through the window, that is all.

Q. Everything passed off quietly?—A. Yes, sir.

Q. Where was that election held?—A. At Connor's, in North Cass Township.

(No cross-examination.)

CHARLES F. HEINE.

Sworn and subscribed before me this 23d day of March, 1877.

C. LITTLE,
Notary Public.

JOHN CURRAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

Question. Where do you live?—Answer. In North Cass Township.

Q. Were you at the last election in North Cass Township?—A. Yes, sir.

Q. State whether you held any office there upon the election-board?—A. I was an overseer on the election-board.

Q. How was the election conducted there last November?—A. So far as I could see, fairly.

Q. Was there any disturbance?—A. No, sir.

Q. Were you there all day?—A. No, sir; not all day.

Q. Were you there the biggest part of the day?—A. I was there in the afternoon, and from that until the poll was closed and the vote counted, and everything was conducted fairly and correctly.

(No cross-examination.)

JOHN CURRAN.

Sworn and subscribed before me this 23d day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM B. PRICE, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

Question. Where do you live?—Answer. In Minersville.

Q. Were you a constable?—A. Yes, sir.

Q. State whether you served subpœnas upon John Rose, Philip Dieter, and Thomas Harvey.—A. Yes, sir.

Q. State whether or not you had any conversation with John Rose and Philip Dieter as to their right to vote.

(Mr. Brumm, on behalf of contestant, objected to the conversation as not being under oath, and not, therefore, evidence.)

Q. What was it?—A. John Rose told me that he voted for the man that was in the chair, and I said, "What man is that?" and he said, "Our President now;" and he said, "I voted the full ticket the same as that," and did not say the Republican ticket, but he "voted the ticket the same as that."

Q. Did he say anything as to his right to vote?—A. No, sir.

Q. Did you have a conversation with Philip Dieter?—A. I did; he said he was all right; that he voted last election, but that he had not his papers.

Q. What papers did he mean?—A. His citizen papers.

Q. Did he state what ticket he voted?—A. No, sir.

Q. Do you know where these men reside, and where they did vote?—A. I could not tell you that; so far as I could understand, at Donaldson's, in Frailey, as far as I understand.

(Mr. Brumm, on behalf of contestant, objected to the foregoing testimony, declining to cross-examine.)

WM. B. PRICE.

Sworn and subscribed before me this 23d day of March, 1877.

C. LITTLE,
Notary Public.

DANIEL FARREL, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

Question. Where do you live?—Answer. In Donaldson.

Q. You were tax-collector of the township of Frailey, were you not?—A. Yes, sir.

Q. How long have you been tax-collector of that township?—A. About ten years, except in 1873, when I did not collect.

Q. What tax did you collect?—A. The State and county tax and all the taxes last year.

Q. Do you know John Rose?—A. Yes, sir.

Q. Had he paid a State or county tax within two years?—A. No, sir.

Q. Do you know Philip Dieter?—A. No, sir; but I know a man by the name of Benneville Dieter.

Q Has he paid a State or county tax within two years?—A. I think he paid a tax in 1874, but I am not sure.

Q. Before or after the election?—A. I could not say which.

Q. Do you know Thomas Harvey?—A. Yes, sir.

Q. Has he paid a State or county tax within two years?—A, No, sir; not within these last three years.

(Mr. Smith, on behalf of contestant, objected to the testimony unless the object of it is stated.

Mr. Reilly, on behalf of incumbent, stated that the parties of whom inquiry is made by the witness upon the stand were regularly subpœnaed, but failed to attend; and that the object of the examination of the present witness is to show that the said parties were illegal voters by reason of the non-payment of taxes within two years.

Mr. Smith, on behalf of contestant, objected that there is no proof that these witnesses have been duly subpœnaed, and that the act of Congress requires a copy of the subpœna served upon the parties at least five days before the day of appearance to testify; and secondly, in the form proposed, it is not evidence until the witnesses themselves have been subpœnaed, or reasons shown why they were not subpœnaed and not present here to testify.

Mr. Reilly, on behalf of incumbent, stated that subpœnas were regularly served and return thereof made under oath, which is to be made part of the record in these proceedings, and that one of the witnesses, John Rose, sent a certificate, certifying to his inability to attend here by reason of physical debility, which certificate was received by the notary taking the testimony in this case, and which it is proposed to offer in evidence and have attached to the record.

Mr. Smith, on behalf of contestant, still objected unless the certificate with proof of service be produced at this time.)

Q. Did Benneville Dieter pay you a State or county tax in 1874 or 1875 or 1876?—A. I think he paid in 1874; I think so, but I am not positive, but I think he did.

Q. Did Thomas Harvey pay you a tax in 1874?—A. No, sir.

Q. Did he pay you a tax in 1875?—A. No, sir; he did not pay me these three years, to the best of my knowledge.

Q. Nor in 1876?—A. No, sir.

Q. Did he vote at the last election in Frailey Township that you know of?

(Mr. Brumm, on behalf of contestant, objected that this is not the best evidence.)

A. I was told he did not vote by one of the clerks. I did not see him vote, but I was told that he did.

Q. Did any member of the Republican committee pay you any tax for parties in Frailey Township last year?—A. Yes, sir; there was some paid me; there is Percival Wayne and David Hatter.

Q. Whose tax did they pay?—A. David Hatter paid for Levi Schoffstall, Adam Shugar, and Morris Wetzel; and Percival Wayne paid me for Samuel Boyer and William Cramer and John Dixon.

Q. When did they pay you this?—A. On the 6th of November—no, on the 6th of October.

Q. You gave them the receipts of these different parties?—A. I did not give the receipts of three of them out, but I told the election-officers that their taxes were paid. They asked me at the election, and I told them yes, the taxes were paid.

Q. What persons paid taxes that you did not give receipts to?

(Mr. Brumm, on behalf of contestant, objected.)

A. I do not know—the receipts to Adam Shugar and Morris Wetzel and Levi Schofftall. They got no receipts, but their taxes were paid.

Q. Were those all the taxes that were paid to you for other parties?—A. No, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You say that these taxes were all paid before the 6th of October last?—A. Yes; on the 6th they were paid.

Q. How do you know these were Republicans that paid these taxes?—A. I do not know only what they say themselves; they told me themselves.

Q. How did you know that they paid for Republicans?—A. Because I know that they are Republicans themselves that paid them.

Q. How do you know that they paid for Republicans?—A. The parties themselves did not deny it.

Q. Did they ever tell you so?—A. I have heard them say so at different times with the exception of one.

Q. How much money did the Republicans pay for taxes?

(Mr. Campbell, on behalf of incumbent, objected to the question as immaterial.)

A. I do not know; I gave three receipts for the Democrats.

Q. Were those paid before the 6th of October?—A. Yes, sir.

Q. And paid to you in cash?—A. Yes, sir.

Q. By whom?—A. I got a letter from Mr. Schalck, and money was in it.

Q. When did you get that letter?—A. I think it was in the fall. I think it was five days ahead of time, but I cannot say what day.

Q. Mr. Schalck is chairman of the Democratic executive committee?—A. So I understood.

Q. Did Schalck send you money in that letter?—A. Yes, sir.

Q. How much?—A. Eleven dollars and eighty-five cents.

Q. Did he give you a list of persons whose taxes were to be paid?—A. No, sir.

Q. What did he send you the money for?—A. I told him I wanted some taxes paid.

Q. Did you give receipts out for that eleven dollars and eighty-five cents?—A. No, sir.

Q. Did you appropriate that eleven dollars and eighty-five cents to the payment of taxes?—A. Only to three taxes.

Q. Whose taxes were they for?—A. A man named John Keaton, jr., and Emanuel Hollenback, and a man by the name of Lawlor; but he paid me the money afterwards.

Q. When did he give you the money?—A. Only about two weeks after the election. I paid the three taxes and I got the money for one back again.

Q. Are those all the receipts you gave out for Democrats?—A. That is all.

Q. Before the last election?—A. Yes; that is all.

Q. Have you made a return of your taxes?—A. Yes, sir.

Q. Have you returned these parties as having paid their taxes that you gave receipts to?—A. I do not understand you.

Q. Have you returned Hollenback and Keaton and Lawlor as having paid their taxes—did you return them to the county commissioners?—A. No, sir; I paid their tax.

Q. Did you not return them as exonerated?—A. No, sir; I was paid, and I made no return of them at all to the county commissioner—not of their names at all, as they were paid.

Q. Were those three men upon your duplicate?—A. Yes, I believe they were; yes, they were upon my duplicate—no, Lawlor was not; he was on the additional assessment—I think so, but I am not positive.

Q. Have you got your duplicate with you?—A. Yes, sir.

(Mr. Reilly, on behalf of contestant, objected to all testimony of this character as immaterial, incompetent, and no cross-examination.)

Q. Refer to your duplicate and see whether those names are on there except Lawlor's.—A. (Witness refers to duplicate.) Lawlor was on the additional. I do not see his name on here. John Keaton is on and Hollenback, and the other is on the additional assessment, but I did not fetch that along.

Q. Are you certain that he is on the additional assessment?—A. Yes, sir; I am.

Mr. Smith continuing cross-examination:

Q. Have you your duplicate here for 1875?—A. No, sir.

Q. Or for 1874?—A. No, sir.

Q. These duplicates for 1874 and 1875 are still in your possession?—A. Yes, sir.

Q. What you have testified in regard to Harvey, Rose, and Dieter you have only testified to from your recollection?—A. From my recollection, I do not think they paid it.

Q. You did not examine your duplicates?—A. No, sir; but I am satisfied about four years ago John Rose told me he would not pay any more taxes.

Redirect examination by Mr. Campbell:

Q. Mr. Brumm asked you whether you had made a return of these men to the commissioners?—A. No, sir.

Q. By that you mean they are not exonerated?—A. No, sir; they were not exonerated; they were returned paid, and their taxes were paid, and there was no return upon that.

Recross-examination by Mr. Smith:

Q. What did you do with the balance of the eleven dollars?

(Mr. Campbell, on behalf of incumbent, objected.)

A. I do not think I need to tell that.

Q. Then you decline to tell, do you?—A. I can tell if it is required.

Q. I want to know what you did with the balance that you did not appropriate to the payment of the taxes?—A. I kept the money myself.

Q. You kept the money that was returned to you by Lawlor?—A. Yes, sir.

Q. Did you take an interest in the election?

(Mr. Reilly, on behalf of incumbent, objected that it is immaterial and irrelevant.)

A. Sometimes.

Q. Were you about the polls last fall?—A. Not all the day.

Q. Were you part of the time?—A. Yes, sir; part of the time, I think.

Q. And you electioneered for the Democratic ticket?

(Mr. Campbell, on behalf of incumbent, objected.)

A. I did not electioneer at all; there were other men there besides me to electioneer, and I did not electioneer these ten years.

DANIEL FARREL.

Sworn to and subscribed before me this 23d day of March, 1877.

C. LITTLE,
Notary Public.

JOHN HEAD, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

(Mr. Smith, on behalf of contestant, objected to the examination of this witness, because he is not on the notice served upon the contestant.

Mr. Reilly, on behalf of incumbent, replied that it appears by the record before the commissioner that there was a due service.)

Direct examination by Mr. Reilly:

Question. Were you collector of State and county taxes for Blythe Township?—A. Yes, sir.

Q. Were you for the year 1876?—A. Not for 1876.

Q. Were you for 1875?—A. Yes, and for 1874.

Q. Did you give out any receipts in 1875, in the name of tax-payers, in that township, that were not legal and genuine?—A. I gave tax-receipts to John Rose, Samuel Morgan——

Q. Did you give out any while you were tax-collector that were not genuine and legal receipts?—A. No, sir; I am on my oath, and I never did that, and never intended to do it.

(Mr. Reilly, on behalf of incumbent, stated, upon request of counsel for contestant, that the object of the examination of this witness is to explain the testimony of witnesses examined by contestant who produced tax-receipts signed by this witness as collector, and to prove that said tax-receipts were legal, genuine, and properly issued.

A. (Witness continuing.) I made a mistake with one family; that was James McGee; that was the only man I made a mistake with. I left the receipts for the two James McGee's. I paid for the old man's myself, and the woman was to pay me for the other, and I did not blot his name out. I did not blot out the young man McGee; I returned him as exonerated, and I should not have done it. I did not get paid for the young McGee, and that was the only mistake I made.

Q. Were you subpœnaed by the contestant in this case?—A. Yes; I was subpœnaed by Mr. Nutting.

Q. Did you attend in obedience to the subpœna?—A. Yes, sir.

Q. Were you called and examined?

(Mr. Reilly, on behalf of incumbent, stated, upon request of counsel for contestant, that the object of this examination was to show that the witness was subpœnaed and not examined.)

A. I was not examined.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You did not testify in this case before?—A. No, sir; but I was subpœnaed at Tamaqua.

Q. The return you made at the court-house that James McGee did did not pay his tax is right, and it is a fact that he did not pay his tax?—A. Yes, sir; and it was my mistake.

Q. He is not entitled to his receipt because he has not paid you?—A. I suppose not.

Q. And when you returned him as not paid and swore to it you swore to the truth?—A. Yes; I did not swear—I swore to the best of my knowledge, that is all. I did not go to him to look for it; I might have got it from the woman, because her word was good enough, but it was my neglect that I did not blot out the name. I did not get the money, that is true.

Q. When did you leave the receipt for the old man?—A. When I left it for the young man.

Q. When was it?—A. I could not tell you that.

Q. Was it last fall?—A. It was in 1874, to the best of my knowledge, but it was far enough before election-time.

Q. You left the receipts with the old woman in 1875, did you not?—A. I could not exactly say whether it was in 1874 or 1875; it was time enough for the spring election; it was for the spring election they were looking for the votes.

Q. You left the receipt with them, and when you made return you settled with the county for his tax?—A. Yes, sir.

Q. Have you made a full settlement with the county commissioner for all the taxes?—A. Yes, sir.

Q. And have a receipt in full?—A. Yes, sir; full receipts. I paid them, and got the exonerations, and paid to get my bail clear.

Q. When did you get your bail clear?—A. One in 1875, and the other in 1876.

Q. The one for the duplicate for 1874 you got clear in 1875?—A. Yes, sir; and then I got the other clear in 1876.

Q. You have not your final receipts here, to show when you settled?—A. I guess I have. (Witness produces papers.)

(Mr. Reilly, on behalf of incumbent, objected to all testimony of this character as immaterial, and not cross-examination.)

Q. Tell us, from those receipts, when you settled for 1875?—A. (Referring to receipts.) January 25, 1876, for the duplicate of 1875.

Q. Was that the time you settled your duplicate for 1875?—A. I could not say.

Q. Tell us, from those receipts, when you settled finally for 1874.—A. (Referring to receipt.) Here is a receipt dated "Treasurer's Office of Schuylkill County, Pottsville, January 27, 1875. Received of John Head, collector of Blythe Township," &c., &c.

Q. Can you state that you settled on that day?—A. I could not state that, but there are the papers for themselves. I paid them the day I got these papers.

Q. You say you gave out no receipt except what you were paid for, with the exception of this one; did the parties themselves always pay for the receipts?—A. No, sir; the Republican committee came to me, and Samuel Morgan was running for treasurer, and he paid for some, and O'Donnel sent Devine and Edward Connolly to me, and they got nine dollars and seventy-five cents' worth, and I gave Samuel Morgan I could not tell how much; and some women came to me, and I gave them the receipts for their husbands. I could not tell how much I gave to John Ross or Samuel Morgan, but I was paid for them; but I kept account of what I gave O'Donnel, and I paid for them when I was settling with the commissioners.

Q. Were you collector in 1876?—A. No, sir.

JOHN HEAD.

Sworn and subscribed before me this 23d day of March, 1877.

C. LITTLE,
Notary Public.

WILLIAM MAPSTONE, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

Question. Where do you live?—Answer. In South Cass Township.

Q. Were you an officer at the last November election in South Cass Township?—A. I was.

Q. State how the election was conducted there that day.—A. It was conducted fairly and quietly, so far as I could see.

Q. Did you see any disturbance there?—A. There was no disturbance except, just as we closed the poll in the evening, there was something fell against the window—I do not know whether it was a stone or not—and broke a pane of class, and that was all that occurred there that day.

Q. There was no interference with rights and freedom of voters there?—A. No, sir.

Q. There was none that you observed?—A. No, sir.

Q. There was no interference with the election officers?—A. No, sir.

Q. You performed your duties and staid at the polls until the count

was completed?—A. Yes, unless there were times when I had to go out for a moment.

Cross examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. Did they break in the sash and a couple of panes in the evening?—A. They did not break the sash, but they broke a pane, and the stone hit against the sash. It was just as we closed the polls, and we had not got away from the table when it was done.

Q. Were you still sitting at the table?—A. Some of us. We were gathering up the things to have our supper, so as to go to work afterward.

Q. While you were doing that, James Brennan and Connor came in and told you not to be frightened, that they would see that there was no harm done?

(Mr. Reilly, on behalf of contestant, objected that it is not cross-examination, and that the declaration of the parties named, or any other parties, to the witness, are immaterial and irrelevant.)

A. Yes, they asked us if we were afraid to stay there.

Redirect examination by Mr. Campbell:

Q. You had closed the polls when this stone came against the sash?—A. Yes, sir. I cannot say whether it was a stone, or what it was; but it broke the glass in.

WILLIAM MAPSTONE.

Sworn and subscribed before me this 23d day of March, 1877.

C. LITTLE,
Notary Public.

Examination adjourned at 12 o'clock until 2 o'clock p. m., at the court-house.

Examination adjourned at 2 o'clock p. m. until 10 o'clock to-morrow morning at both the Merchants' Hotel and the court-house.

SATURDAY, *March* 24, 1877.

Morning session. Examination resumed at the office of C. Little, esq., at 10 o'clock a. m. Counsel for respective parties present.

GEORGE CHAMBERS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Will you state what relation you held to the Republican committee of this county during the last campaign?—Answer. I was chairman of the Republican standing committee of Schuylkill County during the last campaign and am now.

Q. State whether it was made matter of especial attention and duty on the part of your committee to see that the taxes of persons who were believed to be Republican voters, and who had not paid a tax within two years, were paid in the several election-districts in the county?

(Mr. Smith, on behalf of contestant, objected to the testimony as irrelevant.)

A. Yes, it was a matter of especial attention in many of the districts, and we paid taxes so far as we had funds to pay the taxes of men we believed to be Republicans, under the circumstances you have described.

Q. Can you, at this time, give us any idea as to the number of persons and the amount of money that was appropriated for that purpose?

(Mr. Smith, on behalf of contestant, objected to the question as entirely irrelevant; that the payment of taxes by the committee was a perfectly legitimate business, and that the payment of the tax was a payment for the voter for whom it was made, and, therefore, it cannot affect this issue.)

A. I cannot give you any idea of the number of persons whose taxes were paid, because the money was not paid by me directly to the tax-collector, so far as I recollect, in a single instance, in the last campaign. I never did know how many persons' taxes were paid; as to the amount of money that I paid to persons for the purpose of paying taxes, as near as I can state now, I think it was about four hundred and seventy-five dollars during the last campaign. I do not believe it would vary twenty dollars from that.

Q. (Handing witness paper.) Will you look at that circular and state whether that signature is yours?—A. It looks like my signature. (Witness examines paper.) I believe that to be one of my circulars, but as to the person to whom it was sent and the name "George Farne" I do not know whether such a circular was sent to him or not, because the address is not in my handwriting, and I do not recollect all the men to whom these circulars were sent.

Q. Do you know whether that person whose name is addressed upon that circular, and to whom it was sent, was a member of your committee from the district named in the circular?—A. According to the best of my recollection he was, that is George Farne, of Glen Carbon, if that is the one that is meant; according to my recollection he was a member of the standing committee.

(Mr. Reilly, on behalf of incumbent, offered in evidence the circular, which is hereto attached and marked Exhibit D.)

A. (Witness continuing.) I would like to explain; I knew who these circulars were to be sent to at that time, but I would sign circulars sometimes and hand them to another man to address, and they were put into the mail; I might hand a list to some one else sometimes, and they would be sent in that way; but George Farne I did know, I was acquainted with him, but I did not know all of those to whom circulars were sent.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You cannot tell whether you forwarded this paper or whether it was forwarded to Mr. Farne?—A. I cannot tell that of my own knowledge; I presume it was, but I do not know that.

Q. A paper of this kind was issued for a number of districts?—A. Yes, sir; that is, they were sent to men in a number of different districts; at least I directed them to be sent, but I could not swear that they were sent, because I did not see them forwarded.

Q. State whether or not the main reason for the issuing of that circular was the fact that a good many tax-collectors in the county of Schuylkill had heretofore returned persons as too poor to pay their taxes, or that had left and had received exonerations on that account for those taxes, and it was afterward discovered that tax-receipts had been issued to the very parties for whose taxes these tax-collectors had been exonerated.—A. The reason that I sent out these circulars was that I had been informed that many persons who had been exonerated from taxes in this county, or who had not paid their taxes, held tax-receipts from tax-collectors from time to time at previous elections, and voted at such previous elections without having paid the tax necessary to qualify them

as voters. I had lists of those prepared who had not paid their taxes for 1875, as nearly as I could get at them, in order to guard against fraud of that kind at the election, then about to be held, if such fraud should be attempted, and I believed it would be the means of preventing several hundred of illegal votes at the election then about to be held.

Q. Then the circular was issued for the purpose of securing an honest and fair election by the qualified voters of the several districts to which they were sent?—A. Yes; it was intended to assist in bringing about that result so far as possible.

Q. All the moneys that you had paid for taxes were paid out before the 5th of October, 1876?—A. I cannot state that of my own knowledge, because I did not pay the taxes directly.

Q. The money that was paid out by you was paid out before that time, was it not?—A. The most of it was; but I cannot say that I did not refund to any man a dollar or five dollars of taxes that he might have paid in cash for that purpose previous to that date; and when you say the 6th of October, I do not recollect the day that was the last day for paying; whichever was the last day for paying we were careful—I was careful at least—to have the money paid into the proper hands in time to be paid to the collectors before the last day of paying taxes to qualify the electors to vote at that election, and I may have paid money afterwards in refunding moneys to persons who had actually paid taxes previously for other persons, but I did not refund any large amount at all.

Redirect examination by Mr. Reilly:

Q. Was the object of that circular for the purpose of preventing parties whom you believed to be illegal voters voting at all at that election, or simply to prevent them from voting the Democratic ticket?—A. It was to prevent them from voting at all; but I did not consider it part of my duties as chairman of the Republican standing committee to direct members of that committee to make any effort to prevent men from voting the Republican ticket for that reason.

Recross-examination by Mr. Smith:

Q. The circular was more especially intended for the purpose of preventing the commitment of fraud on the part of the Republicans?—A. Yes, sir.

Q. And the practices that Republicans challenged Democratic voters with and the Democrats challenged the Republican voters with, you presumed each party would attend to its own business in that respect?—A. Yes; that circular was intended for no illegal purposes in any manner.

GEORGE CHAMBERS.

Sworn and subscribed before me this 24th day of March, 1877.

C. LITTLE,
Notary Public.

EDWARD M. MONAGHAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. State whether you are a son of Martin Monaghan, of Ashland.—Answer. Yes; I am.

Q. Are you a married or single man?—A. I am a single man.

Q. State whether or not you make your home with Mr. Martin Monaghan.—A. I do.

Q. Where do you reside with him?—A. In the middle ward of the borough of Ashland.

Q. Do you know whether he was at home on the 14th of March?—A. I do not.

Q. Were you not there?—A. No, sir.

Q. Do you know whether he had notice of the service of the subpœna in this case?—A. I know that a notice has been left at the house.

Q. When did you see him last?—A. I saw him some day this week.

Q. Did you see him Tuesday?—A. No, sir; I was not in Ashland Tuesday to see him. I do not know whether I was in Ashland on Tuesday or not.

Q. You have been home almost all the time within the last two weeks with the exception of an occasional absence of a day or two? Or will you state what the facts are in connection with your whereabouts since the 14th of this month?—A. From the 14th up to about the 18th I was at home, and since the 18th I have been most of my time in Pottsville.

Q. Was your father at home between the 14th and 18th?—A. He was; yes, sir.

Q. Did he say anything to you about his having been subpœnaed?—A. No, sir.

Q. Was he sick?—A. Not that I know of.

Q. Was there any unavoidable necessity, that you know of, that prevented him from being subpœnaed?—A. I don't know of any.

Q. You stated that you saw him last yesterday?—A. No, I did not see him last yesterday; but I think it was night before last.

Q. Where did you see him?—A. In Ashland, in his house.

Q. He was there in his house, and healthy?—A. Yes, sir.

Q. He has not been away from home since the 14th of March, that you know of?—A. No; not that I know of.

Q. Do you know why he did not obey the subpœna in this case?—A. I do not.

Q. Are you acquainted with Mr. Michael Monaghan, of Shenandoah?—A. I am.

Q. Is he a relative of your father's?—A. He is not, sir.

Q. Is he no kin at all?—A. His wife is, but he is not.

Q. What is the relation by marriage?—A. I cannot tell you what relationship exists between Michael Monaghan's wife and my father.

Q. What is Michael Monaghan's business?—A. He is engaged in the liquor business, and works in the mines in the borough of Shenandoah.

Q. Do you know of the payment to your father of a considerable sum of money for the purpose of securing votes, or a certain number of votes, for the Republican ticket, or candidates upon the Republican ticket?—A. I have no knowledge of any money being paid to my father for the purpose of securing votes for any candidate upon the Republican ticket, or for the Republican ticket. The only knowledge that I have of money being paid has been gained during this investigation.

Q. Then you know nothing of the payment of money by your father to other persons?—A. No, sir; I don't. If you will permit me, I will make a statement here: It has been brought up in this examination of Michael Nolan, upon the part of the contestant, that I paid Michael Nolan ten dollars; he was to keep five of it, and the other five was to be paid to Peter Kenney; they were to stay from work; and they agreed to stay from work for the purpose of supporting the candidate upon the Republican ticket. They had been warm friends of the candidate for whom they were working, and it was agreed that they should

be paid their day's wages for standing at the polls, which was done by me. And I will state further, that I did not receive any money from any candidate upon the Republican ticket, or upon behalf of any candidate upon the Republican ticket from any other person.

Q. Did you receive any money from your father?—A. No, sir; I did not, during the last campaign, receive any money from my father. I did not receive a dollar from him; and I will further state that I have received no money from any candidate or on behalf of any candidate.

Q. Do you know whether your father and Mr. Michael Monaghan were together in Shenandoah a night or two before the election?—A. I do not, sir; I was not at home.

Q. Do you know anything of a calculation that your father had made or showed to you, by which he claimed to be able to make a change of a certain number of Democratic votes in certain Democratic election districts?—A. He showed me no such calculation, and I know nothing of any such calculation.

(Mr. Smith, on behalf of contestant, objected to the foregoing testimony as irrelevant, and declined to cross-examine.)

A. (Witness continuing.) I desire to state that the only candidate in whom I took any interest during the last campaign was Mr. J. H. James, a candidate for the State legislature.

E. M. MONAGHAN.

Sworn and subscribed before me this 24th day of March, 1877.

C. LITTLE,
Notary Public.

(Counsel on behalf of incumbent offered in evidence certified copy of record in a number of cases showing the issue of certificates of naturalization to the parties named, list hereto attached, and marked Exhibit E. Also, certified copy of bond and oath of Christopher Little, notary public. Also, certified copy of bond and oath of office of James Hutton, notary public, of Shenandoah.)

Examination adjourned until 2 o'clock p. m., at the court-house.

SATURDAY, *March* 24, 1877.

Afternoon session. Examination resumed at 2 o'clock p. m., at the court-house in the borough of Pottsville. Counsel for respective parties present.

Several ballot-boxes were brought before the commissioner to be opened for the inspection of ballots contained in the said boxes.

CHARLES A. GLENN called to the stand.

(Mr. Smith, on behalf of contestant, objected to this witness being sworn, on the ground that contestant had received no notice of his proposed examination.)

The witness, being duly sworn according to law, doth depose and say in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Are you employed in the office of the prothonotary of Schuylkill County?—Answer. Yes, sir.

Q. State whether your position is such as to give you knowledge of the general business and access to the papers in the office.—A. Yes, sir.

Q. State whether you received or know anything about the deposit in your office of boxes purporting to be the ballot-boxes of the west ward of Ashland.—A. No, sir; I do not know about it.

Q. Or of the borough of Girardville?—A. I have no recollection of it.

Q. Or of the northwest ward of Pottsville?—A. I received those this morning.

Q. From whom did you receive them?—A. From J. Franklin Harris.

Q. Do you know what he represented himself to be?—A. He did not represent himself to be anything, but I believed him to be a judge or officer of the election.

Q. He said nothing to you as to what right he had to the custody of the ballot-boxes when he left them?—A. No, sir.

Q. Did you give him a receipt for them?—A. Yes, sir.

Q. How did you make out the receipt?—A. "Received of J. Franklin Harris two ballot-boxes of the northwest ward of the borough of Pottsville."

Q. You did not designate him as holding any office?—A. No, sir; I only said "J. Franklin Harris."

Q. Do you know whether the boxes are in the same condition now as when they were deposited?—A. These are the boxes, I think. (Witness indicates ballot-boxes.) They appear to be in the same condition as when they were deposited.

Q. Do you know whether all of the ballot-boxes that have been deposited in your office are in the same condition as when they were left there?—A. I believe they are, with the exception of the opening of them in this contest upon a former occasion. So far as I know, they are in the same condition.

(No cross-examination.)

CHARLES A. GLENN.

Sworn and subscribed before me this 24th day of March, 1877.

C. LITTLE,
Notary Public.

E. J. GAYNOR called to the stand.

(Mr. Smith, on behalf of contestant, objected to the swearing of this witness, on the ground that contestant had received no notice of his proposed examination.)

The witness, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. State who is the prothonotary of Schuylkill County.—Answer. Thomas F. Kearns.

Q. Are you employed in the office as one of his deputies?—A. Yes, sir.

Q. How long have you been so employed?—A. Since he has been in the office—the 3d of January, 1876.

Q. State whether your position is such as to give you the same access to and knowledge of the papers and business of the office as he has himself, generally speaking.—A. Yes, sir; I suppose so.

Q. Will you state whether the ballot-box of the west ward of Ashland is in your office?—A. I picked one out that purports to be that.

Q. Do you know from whom it was received?—A. I do not.

Q. You did not receive it?—A. No.

Q. Did you receive a ballot-box of the borough of Girardville?—A. I received no box of my own knowledge.

Q. Will you state whether, to your knowledge, any boxes that were deposited in your office, purporting to be ballot-boxes or boxes contain-

ing ballots cast during the last election, have been preserved in the same condition as they were received?—A. They were, with the exception of the opening of them in the grand-jury room by order of the court for Mr. Nutting.

Q. That was in this contest?—A. Yes, sir; that was when they were opened upon a former occasion in this contest, and, with that exception, they have not been touched, to my knowledge.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. They were returned to your office at that time and sealed?—A. Yes, sir.

Q. That is, they were so returned by the prothonotary, and they were opened in his presence?—A. I suppose so; I was not in the office when they were returned, but I was in the office the following day.

(The ballot-box of the west ward of Ashland was produced by the prothonotary, pursuant to request by the notary public, and by whose direction the prothonotory's clerk proceeds to open said box.)

Redirect examination by Mr. Campbell:

Q. What do you find in this box from the west ward of Ashland?—A. I find a list of voters who voted in the west ward of the borough of Ashland, Schuylkill County, Pennsylvania, at the November election in 1876; also, paper containing the oaths of officers at said election; also, tally-paper of voters; also, triplicate election-return signed by S. K. Maurer and Alfred G. Towers, inspectors; James I. Lake, judge; attested by W. W. Heffner and Joseph Hannon, clerks; dated 7th November, 1876; and, also, a number of ballots strung together.

Q. Do you find among those ballots a ballot numbered 225?—A. Yes, sir.

Q. Do you find the same number in the book containing a list of voters?—A. Yes; I find the same number in the book, opposite the name of Howell Reese as a voter.

Q. What name appears upon that ballot for member of Congress?—A. James L. Nutting.

Q. Do you find among those ballots a ballot numbered 84?—A. Yes, sir; I do.

Q. Do you find the same number in the book containing a list of voters?—A. Yes; I find the same number in the book opposite the name of James M. Price, as a voter.

Q. What name appears upon that ballot numbered 84 for Congress?—A. James L. Nutting.

Q. Do you find among those ballots a ballot numbered 149? -A. Yes, sir.

Q. Do you find the same number in the book containing a list of voters?—A. Yes; I find the number in the book opposite the name of Enoch Jones, as a voter.

Q. What name appears upon that ballot numbered 149 for Congress?—A. James L. Nutting.

Q. Do you find among those ballots a ballot numbered 47?—A. Yes, sir.

Q. Do you find the same number in the book containing list of voters?—A. Yes; I find the number in the book opposite the name of John R. Jones, as a voter.

Q. What name appears upon that ballot numbered 47 for Congress?—A. James L. Nutting.

Recross-examination by Mr. Smith:

Q. Did you find that box properly sealed?—A. Yes, sir.

Q. What other papers did you find in that box besides the ballots?—A. A list of voters and tally-sheet, and triplicate return and oaths of officers.

Q. All in, apparently, a proper condition?—A. Yes, sir.

Q. There are no other papers but those you have mentioned?—A. No, sir; not in that compartment that I have opened.

(The ballot-box of East Norwegian Township produced by the prothonotary pursuant to request by the notary public, and by whose direction the prothonotary's clerk proceeds to open said box.)

Redirect examination by Mr. Campbell:

Q. What papers do you find in that box?—A. A triplicate election-return of the township of East Norwegian, dated the 7th of November, 1876, signed Bernard Maguire and Martin Dormer, inspectors; Bernard Horan, judge, and Daniel Ratigan and John Hayes, clerks; also, tally-paper of voters; also, list of voters, and also a number of ballots strung together.

Q. Do you find among those ballots a ballot numbered 64?—A. Yes, sir.

Q. Do you find the same number in the book containing list of voters?—A. Yes; I find the number in the book opposite the name of James Sweeny, as a voter.

Q. What name appears upon that ballot numbered 64 for Congress?—A. James L. Nutting.

Recross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. I desire to have the witness pick out ballot No. 1.

(Mr. Reilly, on behalf of incumbent objected that incumbent has not called for that ballot, and that it is not cross-examination.)

A. Yes; I have ballot No. 1.

Q. What name do you find opposite No. 1 in the list of voters?—A. Opposite No. 1 is the name of Bernard Horn.

Q. For whom did he vote for Congress?—A. James L. Nutting.

Q. Is not the name of Nutting pasted on?—A. Yes, sir.

Q. I want you to look at the tally-list and see whether you find any other Bernard Horn on the list.—A. (Witness examines list of voters.) That is the only name of Bernard Horn or Horan in that book.

Q. Bernard Horan was judge of election?—A. Yes; it so appears upon the paper that a man by the name of Horan writes his name as judge.

Q. It appears upon the triplicate return-sheet?—A. Yes, sir.

Q. And it also appears that he filed his oath as judge?—A. Yes, sir.

(The ballot-box of Pine Grove Township was produced by the prothonotary, pursuant to request by the notary public, and by whose direction the prothonotary's clerk proceeds to open said box.)

Redirect examination by Mr. Campbell:

Q. What papers do you find contained in that box?—A. A copy of the election-laws of the State of Pennsylvania; also two books, one a list of voters in the January election of 1876, and the other a list of voters at the election in February, 1877; also, tally-paper and triplicate election-return for the election held the 20th of February, not signed or filled out; also, triplicate election-return for election held the 7th of November, 1876, signed W. S. Lengel, Simon Spoucake, inspectors, and

George W. Mars, judge, Samuel Forey and J. P. Wentz, overseers, and William Burger and William Mars, jr., clerks; also, tally-paper of votes cast at the election November 6, 1876; and also a number of ballots cast at that election.

Q. State whether you find there a number of ballots purporting to be State and county tickets.—A. Yes; I do.

Q. Do you find among those ballots a ballot numbered 28?—A. Yes, sir.

Q. Do you find the same number in the book containing a list of voters?—A. Yes; I find the number in the book opposite the name of Jacob Heberling, "on age," as a voter.

Q. What name appears upon that ballot numbered 28 for Congress?—A. James L. Nutting.

Q. Do you find among those ballots, a ballot numbered 418?—A. Yes, sir.

Q. Do you find the same number in the book containing a list of voters?—A. Yes; I find the number in the book opposite the name of John Rager or Roger, as a voter.

Q. What name appears upon that ballot numbered 418 for Congress?—A. James L. Nutting.

Q. Do you find among those ballots a ballot numbered 374?—A. Yes, sir.

Q. Do you find the same number in the book containing list of voters?—A. Yes; I find the number in the book opposite the name of Albert Zimmerman, as a voter.

Q. What name appears upon that ballot numbered 374 for Congress?—A. James L. Nutting.

Recross-examination by Mr. Smith:

Q. Do you find any other tickets in that box?—A. Yes, sir.

Q. What tickets are they?—A. They purport to be for the township officers.

Q. Were there any papers in the box for township officers?—A. I believe so.

Q. They are for the election held in February last?—A. Yes; the 20th of February, 1877.

Q. Then both the ballots and papers of the last two elections that were held in that township are in that box together?—A. Yes, sir.

Q. The box must have been used at both elections?—A. It would appear so.

Redirect examination by Mr. Reilly:

Q. Do you know whether there was an order of court made that the box containing the ballots of the November election should not be destroyed, or the contents destroyed?—A. There was such an order made by this court and placed upon the minutes in the prothonotary's office.

Q. Do you know whether notice of that order was communicated to the custodians of the different ballot-boxes in the different districts of the county by the sheriff of the county?—A. I do not.

Q. The papers and ballots and the condition of the box show no evidence of its having been tampered with in any way?—A. No, sir; there is nothing to show that it has been tampered with in any way except that it was opened in February at the time of the election.

(The ballot-box of the northwest ward of Pottsville was produced by the prothonotary, pursuant to request by the notary public, and by whose direction the prothonotary's clerk proceeds to open said box.)

Redirect examination by Mr. Campbell:

Q. What do you find in this box?—A. Tally-paper of votes cast in the northwest ward of Pottsville; also list of voters who voted in the northwest ward of the borough of Pottsville, November 7, 1876; also oaths of officers; also tally-paper of votes cast for electors, and also a number of ballots.

Q. Do you find among those ballots a ballot numbered 257?—A. Yes, sir.

Q. Do you find the same number in the book containing list of voters?—A. Yes; I find the number in the book opposite the name of David Brown, as a voter.

Q. What name appears upon that ballot numbered 257 for Congress?—A. James L. Nutting.

Q. Do you find among those ballots a ballot numbered 344?—Yes, sir.

Q. Do you find the same number in the book containing list of voters?—A. Yes; I find the same number in the book opposite the name of Benneville Sheafer, as a voter.

Q. What name appears upon that ballot numbered 344 for Congress?—A. James L. Nutting.

Recross-examination by Mr. Smith:

Q. I desire to ask for the ballot numbered 363?

(Mr. Reilly, on behalf of incumbent, objected that it was not cross-examination.)

A. I have found ballot 363, and I find in the list of voters opposite that number the name of Lewis Quinn.

Q. What was his vote for member of Congress?—A. (Witness reads from ballot.) James L. Nutting.

(The ballot-box of the middle ward of Pottsville was produced by the prothonotary, pursuant to request by the notary public, and by whose direction the prothonotary's clerk proceeds to open said box.)

Redirect examination by Mr. Campbell:

Q. What do you find contained in that box?—A. Tally-paper of voters who voted in the middle ward of the borough of Pottsville, November 7, 1876; also list of voters, triplicate election-return, and a number of ballots.

Q. Do you find the oath of officers there?—A. Yes; sir.

Q. Do you find among those ballots a ballot numbered 484?—A. Yes, sir.

Q. Do you find the same number in the book containing list of voters?—A. Yes; I find the number in the book opposite the name of Christian Schoefer, as a voter.

Q. What name appears upon that ballot numbered 484 for Congress?—A. James B. Reilly.

(The ballot-box of the borough of Girardville was produced by the prothonotary, pursuant to request by notary public, and by whose direction the prothonotary's clerk proceeds to open said box.)

Redirect examination by Mr. Campbell:

Q. What do you find contained in that box?—A. List of voters who voted in the borough of Girardville at the general election in November, 1876, affidavits of voters, tally-list, oaths of officers, triplicate election-return, and number of ballots.

Q. Do you find among those ballots a ballot numbered 155?—A. Yes, sir.

Q. Do you find the same number in the book containing list of voters?—A. Yes; I find the number in the book opposite the name of Thomas Green, as a voter.

Q. What name appears upon that ballot numbered 155 for Congress?—A. James L. Nutting.

E. J. GAYNOR.

Sworn and subscribed before me this 24th day of March, 1877.

C. LITTLE,
Notary Public.

Examination adjourned to meet immediately at the office of C. Little, esq.

Examination resumed at the office of C. Little, esq. Counsel for respective parties present.

JOHN A. NASH, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Will you state whether you appeared as counsel for the incumbent during the taking of testimony in this issue upon the part of the contestant?—Answer. I appeared for the incumbent at Shenandoah for a part of two weeks, at Ashland for a part of two weeks, I think, and at Minersville for about two weeks.

Q. Will you state who the commissioners were that took the testimony?—A. At Shenandoah and at Ashland, Hiram K. Weston; at Minersville, Seth W. Geer was commissioner.

Q. Will you state whether or not the testimony was taken in the language of the witness, together with the question propounded by counsel, so far as you have knowledge?—A. The manner of taking the testimony was this: the question was propounded by counsel for contestant, which question was not taken down; the answer was then given by the witness, and the commissioner incorporated the question with the answer in his own language generally, and not always in the language of the witness.

Q. State whether that was the manner of proceeding generally, through the taking of the whole of the testimony, at the places you have named.—A. Yes, sir; that was the general manner of taking the testimony at the places and times I have named.

Q. Who transcribed or wrote down the testimony at Shenandoah?—A. At Shenandoah Mr. Crawshaw took down the testimony first, and Mr. Schnerr took down a part of the testimony of one witness there. At this time Mr. Schnerr was not sworn, and was not sworn until he went to Ashland, which was afterwards.

Q. Who transcribed the greater portion of the testimony at Shenandoah?—A. Mr. Crawshaw. At Ashland Mr. Schnerr took down the testimony and Mr. Crawshaw, I think, came there afterwards and took down the remainder.

Q. Who was it at Minersville?—A. At Minersville the testimony was taken down by Seth W. Geer and the commissioner in the same manner.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. At Shenandoah and at Ashland the notary, Mr. Weston, was present all the time, was he not?—A. He was present in the room; he sat at

the same table with the clerk, but not always in a position where he could read his notes. He sat to the right, generally, of Mr. Crawshaw, and Mr. Crawshaw wrote with his left hand, and he (the notary) sat off to his right. He did not pretend to keep a supervision over his writing.

Q. Mr. Schnerr took down only part of the testimony of one witness, at Shenandoah?—A. That is all, I think.

Q. And that happened because Mr. Crawshaw had not arrived; it was in the morning?—A. I think that was correct.

Q. At Ashland Mr. Schnerr acted as the clerk of the notary the first day or two?—A. Yes, sir.

Q. And then Mr. Crawshaw arrived and he took his place and continued to the end of the examination?—A. Yes; continued until I left there.

Q. You remember that Mr. Crawshaw repeated whenever he had written down the witness's answer; repeated it to the witness at the time?—A. Not always; no.

Q. Do you remember that he did?—A. I remember that he did sometimes.

Q. Were not all the questions that were asked to be reduced to writing reduced to writing?—A. Do you mean in all instances?

Q. Yes, sir.—A. No, sir.

Q. When they were requested?—A. When they were not requested they were not.

Q. Tell us an instance.—A. In Minesville there were several instances in which they were not reduced to writing, although I requested it.

Q. How was it at Shenandoah?—A. I am not positive about Shenandoah, but I think there, when I requested an objection to go down, then they put down the question so that the objection could go down formally.

Q. You do not know of any case in which your question was refused to be put down when it was requested so to be put down?—A. At Shenandoah, I do not.

Q. Nor at Ashland?—A. Yes, I do; in two or three instances they refused to have my question put down or allow the answer, and I had to make written offers when I requested it to go upon the record, in order to get it to go there, and those offers I requested to be attached to the testimony, but whether the commissioner did so attach them or not, of course I do not know.

Q. In every instance at Ashland when your questions were not permitted to go down, they were held by the commissioner not to be relevant?—A. I do not know what his objections were, but in several instances he refused to allow my questions to go down.

Q. Was it not the ruling that he refused to let the question go down because it was in his opinion irrelevant?—A. No. I do not remember how he said they were technically objectionable, but he said they were not evidence. For instance, in the testimony of Anthony Carey and Bryan Monaghan, and perhaps other parties that I do not remember now specifically.

Q. Did he not refuse to let the questions be placed upon the record because he held they were not evidence?—A. Yes; although prior to this time he had permitted a cross-examination of a similar kind.

Q. In these instances that he refused to put down a question, you made a written offer?—A. I made a written offer in two or three cases I remember of, but whether that included all I do not remember, but my notes will show.

Q. Every question that the contestant put to the witnesses, which you

asked to be put in writing, was written down, was it not, at both Shenandoah and at Ashland?—A. That I could not say now, because I know several times in taking the testimony I had to ask the commissioner to read over what he had taken, and I found there were discrepancies between what the witness had said and what was on the notes, and I know that happened in several places. It happened at Minersville, notably in a couple of instances.

Q. The testimony, in regard to questions and answers being put down, was conducted in the usual style of taking testimony in this State to be read in our courts, was it not?

(Mr. Reilly, on behalf of incumbent, objected to the question as immaterial and irrelevant.)

A. It was taken in the form of a deposition, incorporating question and answer together, but not invariably in the language, and not in the language of the witness, as a rule.

Q. Was not the deposition taken in the ordinary form that we take depositions in this State, where depositions are taken upon a rule to be read in our courts?—A. I cannot say that they were, because my idea of taking depositions is to take the language of the witness. I know the practice here in this county is to incorporate question and answer together.

Q. What you mean by incorporating question and answer is, for instance, you ask the witness whether he knows the contestant, and he answers "Yes," and then the person taking the deposition would write down, "I know the contestant"?—A. That would be incorporating question and answer. The question would not be written down there, but you would merely have the answer.

Q. That is what you mean when you say that the questions and answers were incorporated in most instances in the taking of those depositions?—A. I mean this, that no question, or that questions that were asked, were rarely written down, but only what the commissioner took to be answers, and he incorporated them into his own language, and it was not always correct.

Q. In Minersville, Seth W. Geer was the notary who took the testimony?—A. Yes, sir.

Q. How long have you known Seth W. Geer?—A. I have known Seth W. Geer since 1864, or thereabouts.

Q. He is a member of the bar of Schuylkill County, is he not?—A. Yes, sir.

Q. And has been a member of that bar during all that time?—A. He has.

Q. Do you know how long he has been a member of the bar?—A. I do not. I know he has been a member of the bar since I first knew him, since I first went into a law office.

Q. His character for truth and veracity is not questioned?—A. I never heard it questioned.

JNO. A. NASH.

Sworn and subscribed before me this 24th day of March, 1877.

C. LITTLE,
Notary Public.

ANTHONY CAMPBELL, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Reilly:

Question. Will you state whether you attended the taking of depositions

or testimony upon the part of the contestant in this case in the hearing that was held at Tamaqua?—Answer. I did; I was at Tamaqua the biggest part of two weeks, representing the incumbent, to cross-examine the witnesses and enter objections upon the record.

Q. Who conducted the taking of the testimony there?—A. It was taken before John C. Conrad, the notary public in Tamaqua.

Q. Will you state whether the testimony or the examination of witnesses before him was taken down in the language of the witness, together with the questions propounded by the counsel to the witness?—A. I think not. A question would be put to the witness, and he would give his answer, and the notary or commissioner taking down the testimony would write it down; he did not pretend to write down the questions and answers, but he incorporated the question and answer together. The only questions written out were those which I requested should be written out, and to which I had objections to enter.

(No cross-examination.)

A. CAMPBELL.

Sworn and subscribed before me this 24th day of March, 1877.

C. LITTLE,
Notary Public.

Examination adjourned *sine die.*

I hereby certify that the testimony of the foregoing-named witnesses, together with the questions proposed by the parties or their agents, I caused to be reduced to writing in my presence and the presence of the parties or their agents, and to be duly attested by the witnesses respectively.

Witness my hand and official seal this 23d day of July, A. D. 1877.

[SEAL.] CHRISTOPHER LITTLE,
A Notary Public of Pennsylvania, residing at Pottsville, Schuylkill County.

EXHIBIT A.—*C. Little, Notary Public.*

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Ervine D. York, do swear that, in the matter of the contested election for a member of the House of Representatives of the United States of America, for the thirteenth Congressional district of Pennsylvania, between James L. Nutting, contestant, and James B. Reilly, incumbent, I will, to the best of my skill and ability, faithfully, correctly, and impartially write down, in short-hand text, the evidence of the several witnesses who shall be produced for examination, *ex parte* the said incumbent; and that I will afterward fairly and correctly translate, transcribe, and copy such stenographic report into long-hand or regular manuscript, for use in this case; so help me God.

E. D. YORK.

Sworn and subscribed this 7th day of March, 1877, before me.

CHRISTOPHER LITTLE,
A Notary Public of Pennsylvania, residing at Pottsville, Schuylkill County.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To John Head, James Head, William Martin, John Ross, Thomas Martin, and Richard Coogar:

You are hereby required and commanded, that, laying aside all busi-

ness and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Friday, the 23d day of March, A. D. 1877, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America, for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 15th day of March, A. D. 1877.

[SEAL.]

C. LITTLE,
Notary Public.

SCHUYLKILL COUNTY, *ss:*

Wm. H. Carlisle, being duly sworn according to law, doth depose and say he served a copy on all the within-named witnesses, on Saturday, March 17, and Monday, March 19, A. D. 1877.

W. H. CARLISLE,
Constable.

Sworn and subscribed before me this 19th day of March, A. D. 1877.

[SEAL.]

C. LITTLE,
Notary Public.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Mayberry Cartwright, John Rebberts, William Washington, Putnam Hanley, Reese R. Reese, and George Chambers:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Tuesday, the 20th day of March, A. D. 1877, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America, for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit under the penalty of $20 and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 13th day of March, A. D. 1877.

[SEAL.]

C. LITTLE,
Notary Public.

SCHUYLKILL COUNTY, *ss:*

William H. Carlisle, being duly sworn according to law, doth depose and say he served a copy on all within-named witnesses except John Roberts, on March 13, 1877, and 19th of March, A. D. 1877.

W. H. CARLISLE, *Constable.*

Sworn and subscribed before me this 19th day of March, A. D. 1877.

[SEAL.] C. LITTLE,
Notary Public.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Charles Shoener, William Fritz, Frederick Beck, Samuel Lebengood, Henry Dunnhellers, Hugh Gray, James Gray, R. W. Bickley, A. Kramer, W. L. Drehr, William Matthews, Thomas Lloyd, Thos. Jones, Edward Botham, Daniel McKinsy, Thos. McIntyre, Emanuel Gray, William G. Burwell, Harrison Bush, Thomas Richard, Rees R. Rees, and Perry Fegley:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Friday and Saturday, the 9th and 10th day of March, A. D. 1877, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit under the penalty of $20 and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 23d day of February, A. D. 1877.

[SEAL.] CHRISTOPHER LITTLE,
Notary Public.

SCHUYLKILL COUNTY, *ss:*

William H. Carlisle, being duly sworn according to law, deposes and says that he served personally and by copy on all of the witnesses named within five days from time for the witnesses to appear.

W. H. CARLISLE, *Constable.*

Sworn and subscribed before me this 13th day of March, A. D. 1877.

C. LITTLE,
Notary Public.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Daniel Christian, George Weiderhold, Christ Schiefer, George Schiefer, Henry Byerly, Daniel Cox, William Cox, Emry Stein, Samuel Miller, Geo. F. Weaver, James Williams, Valentine Benner, E. Swallow, Bennevelle Schaeffer, William Adcock, George Johnson, Augustus Galloway, Benjamin Wellar, sr., William Wellar, Benjamin Wellar, jr., Lafayette Billig, Hamilton T. Lloyd, Henry Grodman, Michael

Grodman, Lewis Quinn, Charles Seaman, William Till, Emanuel Eichorn, Samuel R. Russell, Charles Schnew, Henry Miller, H. H. Hill, John Owens, Frederick Besmer, William Comer, James Gray, Wm. Washington, David Brown, Frank C. Bell, Edward A. Seaton, Bernard Horn, William Cullen, James Sweeney, E. G. Cadwell, Walter Matthews, William Cunningham, James Montgomery, Fred. S. Leib, Charles Gordon, Horace S. Kirk, and John Rebberts:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville in said county, on Wednesday, the seventh (7th) and 8th day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 23d day of February, A. D. 1877.

[SEAL] CHRISTOPHER LITTLE,
Notary Public.

SCHUYLKILL COUNTY, *ss:*

William H. Carlisle, being duly sworn according to law, deposes and says that he served personally and by copy on all of the within named, except John Rebberts, Charles Gordon, and James Gray, on Tuesday, 27th February, on Wednesday 28th of February, and on Thursday and Friday and Saturday, March 1, 2, 3, 1877.

W. H. CARLISLE,
Constable.

Sworn and subscribed this 8th day of March, 1877, before me.

C. LITTLE,
Notary, &c.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To John Rowe or Rose, sr., Bennevelle Deiter, Edward Edwards, Morgan Havard, Daniel Ann, Thomas Harvey, Charles Ney, James E. Brennan, and Terrence Connors.

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Tuesday, the 20th day of March, A. D., 1877, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James

B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 13th day of March, A. D. 1877.

[SEAL.]

C. LITTLE,
Notary Public.

MARCH 15, 1877.

Served personally on John Rose, sr., Bennevelle Deiter, Edward Edwards, Morgan Havard, Thos. Harvey, Terence Conners, by handing them a true copy of the original subpœna and making known to them the contents thereof.

Same day served on Daniel Ann, Charles Ney, and James E. Brennan, by leaving a true copy of the original subpœna at their dwelling-houses with their wives.

So answers

WM. B. PRICE,
Constable.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To J. Franklin Harris and Samuel Heffner:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the court-house in the borough of Pottsville, in said county, on Saturday, the 24th day of March, A. D. 1877, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, the box, together with the ballots therein, containing the ballots cast in the borough of Pottsville, middle and northwest ward, at the general election held on the 7th day of November, A. D. 1876; and this you are in no case to omit under the penalty of $20, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 19th day of March, A. D. 1877.

[SEAL.]

C. LITTLE,
Notary Public.

SCHUYLKILL COUNTY, *ss:*

Edward Leonard, being duly sworn according to law, deposes and says he served a copy of within subpœna on within-named witness on Monday, the 19th day of March, A. D. 1877.

E. LEONARD.

Sworn and subscribed before me this 21st day of March, A. D. 1877.

[SEAL.]

C. LITTLE, *Notary Public.*

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Alexander Heffner, James Bray, Henry Lord, John Sterling, Israel Stouch, Enoch Thomas, Abraham Wineland, Alfred Sanders, A. C. Nomer, Augustus Hill, Frank Lord, Henry Harrison, George Bedford, Frank Yungst, Frederick Shelly, William Bender, Charles Fisher, Charles Rogers, James Lafferty, John Batam, Albert Levy, William R. Cromis, and Moses Brown:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Thursday, Friday, and Saturday, the 8th, 9th, and 10th days of March, A. D. 1877, at nine o'clock in the forenoon of said days, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit under the penalty of $20, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 1st day of March, A. D. 1877.

[SEAL.] C. LITTLE,
Notary Public.

SCHUYLKILL COUNTY, *ss:*

Edward Leonard, being duly sworn according to law, deposes and says he served a copy of within subpœna on all of the witnesses except Charles Jeremy, by leaving a copy at their residences and personally.

EDWARD LEONARD.

Sworn and subscribed before me this 7th day of March, A. D. 1877.

C. LITTLE,
Notary Public.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Theodore Helman, David Price, David Brown, Patrick Shortel, Edward Foley, William J. Bull, jr., Thomas Iver, Charles Hopson, William Shortel, James Grace, James E. Brennen, Terrence Connors, and Daniel Amis, sr.:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Tuesday, the 13th day of March, A. D. 1877, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L.

Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 23d day of February, A. D. 1877.

[SEAL.] CHRISTOPHER LITTLE,
A Notary Public of Pennsylvania, residing at Pottsville.

Served personally on seven of the within-named witnesses, and six by leaving a copy on adult members of the family.

WM. B. PRICE,
Constable.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To William Sheafer and John Thomas.

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Tuesday, the 20th day of March, A. D. 1877, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 13th day of March, A. D. 1877.

[SEAL.] C. LITTLE,
Notary Public.

Served on the within-named persons by leaving true copies of this writ at their dwelling-house, informing them of the contents thereof, March 14, 1877.

So answers—

J. LEARY,
Constable.

Sworn and subscribed this 14th day of March, A. D. 1877.

THEOBALD RUFFING,
Justice of the Peace.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To John B. Shearer, Daniel Deane, John Wentzel, and Conrad Bischoff:

You are hereby required and commanded, that, laying aside all busi-

ness and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Tuesday, the 20th day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America, for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citzenship and the right to vote at the general election last November, and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal, this 13th day of March, A. D. 1877.

[SEAL.] C. LITTLE,
Notary Public.

Served the copies on all the within defendants personally, and informed each and every one of them of the contents thereof, this 15th day of March, A. D. 1877.

JACOB WERTMAN,
Constable.

SCHUYLKILL COUNTY, *ss:*

Sworn and subscribed before me this 15th day of March, A. D. 1877.

[SEAL.] J. H. LUTZ,
Justice of the Peace.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To William Mapstone, Thomas Carroll, John Curran, and Charles Heim:

You are hereby required and commanded, that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other pereon duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Friday, the 23d day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America, for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, any 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal, this 17th day of March, A. D. 1877.

[SEAL.] C. LITTLE,
Notary Public.

MARCH 19, 1877.

Served personally on William Mapstone, Thomas Carroll, and John Curran, by reading them a true copy of the original subpœna, and informing them of the contents thereof.

Same day served on Charles Heim, by leaving a true copy of the original subpœna at his dwelling-house.

So answers

W. B. PRICE,
Constable.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To John McCarty:

You are hereby required and commanded, that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the court-house in the borough of Pottsville, in said county, on Saturday the 24th day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America, for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, the box, together with the ballots therein, containing the ballots in the west ward of the borough of Ashland, at the general election held on the 7th day of November, 1876, and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal, this 23d day of February, A. D. 1877.

[SEAL.] CHRISTOPHER LITTLE,
A Notary Public of Pennsylvania,
Residing at Pottsville, Schuylkill County.

Served the within-named John McCarty personally, on oath, by giving him a true copy of this original subpœna, March 20, 1877.

A. LALLY.

Sworn to the foregoing service before me this 22d day of March, 1877.

JACOB G. GENSEL,
Justice of the Peace.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Alfred Zimmerman, Mrs. Mary Zimmerman, Jacob Hebberling, jr., John Hebberling, Gregory Rothmund, and Harrison Burton:

You are hereby required and commanded, that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public, in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Friday, the 9th day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of

the House of Representatives of the United States of America, for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal, this 23d day of February, A. D. 1877.

[SEAL.] CHRISTOPHER LITTLE,
Notary Public, &c.

Served personally on the within-named persons, by leaving a copy of the original subpœna at their different residences, on John Heberling, Jacob Heberling, Mary Zimmerman, Gregory Rothmond, March 3d, 1877, and on Harrison Burton on the 5th instant.

Sworn to and subscribed before me this 5th day of March, A. D. 1877.

EDWARD HUMMEL,
Justice of the Peace.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania,
Schuylkill County, ss:

To Thomas Webber, Anthony Curry, Owen Cunnyngham, Francis Lewis, Ebenezer Mills, Nicholas Leffler, Joseph Garner, William Garner, and Martin Monaghan:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Tuesday, the 20th day of March, A. D. 1877, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit, under the penalty of $20 and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 13th day of March, A. D. 1877.

[SEAL.] C. LITTLE,
Notary Public.

Served the within-named parties by leaving a true copy of this original subpœna at their respective dwelling-house, in the presence of an

adult member of their families, and by making known to them the contents thereof, March 14, 1877.

ANTHONY LALLY.

Sworn to the foregoing service before me this 15th day of March, 1877.

JACOB G. GONREL,
Justice of the Peace.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania,
Schuylkill County, ss:

To Abraham Davis, Jacob Botzer, and William Craze:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Saturday, the 24th day of March, A. D. 1877, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit, under the penalty of $20 and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 21st day of March, A. D. 1877.

[SEAL.]

C. LITTLE,
Notary Public.

Served personally on the within-named persons by producing the original subpœna and informing them of the contents thereof, March 21, 1877.

So answers

J. LEARY,
Constable.

Sworn and subscribed this 22d day of March, A. D. 1877.

THEOBALD RUFFING,
Justice of the Peace.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania,
Schuylkill County, ss:

To John Rager:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Wednesday, the 21st day of March, A. D. 1877, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a

member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit, under the penalty of $20 and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 23d day of February, A. D. 1877.

[SEAL.]

C. LITTLE,
Notary Public.

Served by leaving a copy of the original subpœna at the defendant's residence on the 17th day of March, A. D. 1877.

GREGORY ROTHMUND.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania,
Schuylkill County, ss:

To Edward Hepner:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Saturday, the 24th day of March, A. D. 1877, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit, under the penalty of $20 and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal, this 19th day of March, A. D. 1877.

[SEAL.]

C. LITTLE,
Notary Public.

Served personally on the within-named person by producing the original subpœna and informing him of the contents thereof, March 20, 1877.

So answers,

J. LEARY,
Constable.

Sworn to this 20th day of March, 1877.

THEOBALD RUFFING,
Justice of the Peace.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To William Henry:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Friday, the 23d day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America, for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, also bring your tax-duplicate for State and county tax, year 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 16th day of March, A. D. 1877.

[SEAL.]

C. LITTLE,
Notary Public.

Served the within notice by leaving a true copy of the original notice at the defendant's dwelling-house with one adult member of his family, March 20, 1877.

DAVID RANK.

Sworn to and subscribed before me.

J. P. BECHTEL,
Justice of the Peace.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To John Schwalm:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Wednesday, the 21st day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit, under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 23d day of February, A. D. 1877.

[SEAL.]

C. LITTLE,
Notary Public.

Served the within notice personally on John Schwalm, and left him a true copy of the original notice and informed him of the contents thereof, March 16, 1877.

DAVID RANK.

Sworn to and subscribed before me.

J. P. BECHTEL,
Justice of the Peace.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Edward Monoghan:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in said county, on Saturday, the 24th day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit, under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 19th day of March, A. D. 1877.

[SEAL.]

C. LITTLE,
Notary Public.

SCHUYLKILL COUNTY, *ss:*

Jacob C. Kline, being duly sworn according to law, doth depose and say he served a copy of within subpœna on Edward Monoghan, in the borough of Pottsville, on Monday, the 19th day of March, A. D. 1877, at 1 p. m. of said day.

JACOB C. KLINE.

Sworn and subscribed before me this 19th day of March, A. D. 1877.

[SEAL.] C. LITTLE, *Notary Public.*

DONALDSON, *March* 19, 1877.

This is to certify that I have seen Dr. John Rose, and find him unfit to leave his house, in consequence of general debility from old age and incontinence of urine, which would of itself unfit him for leaving home and being among strangers.

JOS. W. BIRD, M. D.

Sworn and subscribed before me March 19, 1877.

JONATHAN SCHREIBER,
Justice of the Peace.

We, the undersigned judges of the court of common pleas of Schuylkill County, do hereby certify that at 12 o'clock m., on the 9th day of November, A. D. 1876, being the second day after the general election held on the Tuesday next following the first Monday of November, A. D. 1876, the prothonotary of the said court having presented the returns of said election from the several districts of said county, according to law, and we having opened the same and caused them to be computed in our presence by Thomas F. Kerns, esq., prothonotary of said court, and by C. Little, George Helms, Nicholas Heblich, and A. S. Gumpert, who were duly sworn as assistants, and the votes cast at said election having been carefully added together by the said prothonotary and assistants, it appeared that at the said election the following-named person being the highest in votes, was duly elected member of Congress for the said county, to wit, James B. Reilly.

In testimony whereof we have hereunto set our hands, and caused the seal of the said court to be affixed, the day and year aforesaid.

CYRUS L. PERSHING. [SEAL.]
THOMAS H. WALKER. [SEAL.]
D. B. GREEN. [SEAL.]
N. SEITZINGER. [SEAL.]

Attest:
THOS. F. KERNS,
Prothonotary.

PENNSYLVANIA,
Schuylkill County, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, do hereby certify that the foregoing is a true and correct copy of the certificate of election of James B. Reilly as a member of Congress.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Pottsville this fourth day of April, A. D. one thousand eight hundred and seventy-seven.

[SEAL.] THOS. F. KERNS,
Prothonotary.

To the honorable the judge of the criminal court of Schuylkill County:

The petition of Charles Boner, a native of Ireland, respectfully showeth:

That your petitioner is a free white person and an alien, and is desirous of becoming a citizen of the United States of America; that he has resided in the United States three years next preceding his arriving at the age of twenty-one years and has continued to reside therein until this time; that, including the aforesaid three years of his minority, he has resided within the limits and under the jurisdiction of the United States five years and upwards; that your petitioner has been, during all that time, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same; and that it has been *bona fide* his intention to become a citizen thereof.

Your petitioner therefore prays your honorable court that upon taking proof of all matters and things set forth in his petition and complying with the requisitions of the acts of Congress on this subject, he may be admitted to become a citizen of the United States.

CHARLES BONER.

John B. Gallagher, a citizen of the United States, being duly sworn, doth say that the above-named petitioner, with whom this deponent is

well acquainted, has resided within the limits and under the jurisdiction of the United States for three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that, including the said three years of the minority of the said petitioner, he, the said petitioner, has resided in the United States five years and upwards; that during the last three years thereof it has been, to the best of the deponent's knowledge and belief, the *bona-fide* intention of the said petitioner to become a citizen of the United States; that during all that time he, the said petitioner, has behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

JOHN B. GALLAGHER.

Sworn and subscribed in open court this 13th day of October, A. D. 1873.

C. F. RAHN, *Clerk.*

PENNSYLVANIA,
Schuylkill County, ss:

Be it remembered that at a court of common pleas held at Pottsville, in and for the county of Schuylkill, the 13th day of October, in the year of our Lord one thousand eight hundred and seventy-three, personally appeared Charles Boner before the said court, who upon his solemn oath did depose and say that he is a native of Ireland, now residing in the county of Schuylkill, aged years, or thereabouts, and that it is his *bona-fide* intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject.

CHARLES BONER.

Sworn and subscribed in open court this 13th day of October, A. D. 1873.

C. F. RAHN, *Clerk.*

I, Charles Boner, the above-named petitioner, do, on my solemn oath, declare that the contents of my petition are true; that I will support the Constitution of the United States; that I do hereby renounce and relinquish any title or order of nobility to which I am or hereafter may be entitled; and that I do absolutely and entirely renounce and adjure all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom I was before a subject.

CHARLES BONER.

Sworn and subscribed in open court this 13th day of October, A. D. 1873.

C. F. RAHN, *Clerk.*

The foregoing proceedings being had, the said court thereupon admitted the said Charles Boner to become a citizen of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Pottsville this twenty-second day of March, in the year of our Lord one thousand eight hundred and seventy-seven, and of the sovereignty and independence of the United States of America the 101st.

[SEAL.] O. J. AREGOOD, *Clerk.*

Names.	Nativity.	Vouchers.	Date of application.	Certificate issued.
Austin Bradshaw	Ireland	James O'Donnell	Sept. 15, 1868	Sept. 15, 1868
John Burke	do	James Brady	Oct. 8, 1866	Oct. 8, 1866
John Burke	do	John Hayes	Jan. 14, 1876	Jan. 14, 1876
Martin Barrett	do	James O'Donnell	Sept. 14, 1868	Sept. 14, 1868
Patrick Barrett	do	William H. Gallagher	Mar. 12, 1859	Sept. 24, 1866
Owen Conroy	do	Lawrence McGrath	Oct. 10, 1868	Oct. 10, 1868
Henry Conner	do	Patrick Reynolds	Sept. 16, 1872	Sept. 16, 1872
James Conroy	do	James O'Donnell	Sept. 14, 1868	Sept. 14, 1868
John Conlin	do	Thomas Moran	Feb. 26, 1872	Sept. 26, 1872
Anthony Carey	do	James Knox	Feb. 17, 1868	Feb. 17, 1868
Patrick Conroy	do	James O'Donnell	Sept. 14, 1868	Sept. 14, 1868
Patrick Cuff	do	William H. Gallagher	Sept. 24, 1866	Sept. 24, 1866
Dennis Carduff	do	Anthony Coyle	Oct. 2, 1876	Oct. 2, 1876
Anthony Crane	do	James Dixon	Oct. 7, 1876	Oct. 7, 1876
Michael Coyle	do	Anthony Coyle	Oct. 2, 1876	Oct. 2, 1876
Thomas Dougherty	do	Michael McGrath	Sept. 21, 1868	Sept. 21, 1868
Anthony Coyle	do	Joseph Bowers	Nov. 17, 1873	Nov. 17, 1873
John Dougherty	do	Patrick Dougherty	Nov. 27, 1854	June 7, 1858
James Dixon	do	James Knox	Oct. 12, 1868	Oct. 12, 1868
Patrick Dean	do	James Knox	Oct. 12, 1868	Oct. 12, 1868
John Dunleavy	do	James Dixon	Oct. 7, 1876	Oct. 7, 1876
Anthony Dean	do	James O'Donnell	Sept. 16, 1868	Sept. 16, 1868
Patrick Flannery	do	Andrew Dean	Sept. 8, 1868	Sept. 8, 1868
Andrew Foye or Voye	do	Lube McCabe	Mar. 5, 1860	Oct. 10, 1863
Patrick Feeney	do	Thomas Donaghue	Sept. 21, 1868	Sept. 21, 1868
Patrick Flannery	do	Andrew Dean	Sept. 8, 1868	Sept. 8, 1868
Andrew Gallagher	do	Michael Sweeny	Sept. 5, 1866	Sept. 7, 1868
Lawrence Gaughan	do	James O'Donnell	Sept. 15, 1868	Sept. 15, 1868
Patrick Gannon	do	James Knox	Oct. 10, 1868	Oct. 10, 1868
Martin Gilroy	do	Michael Gilvey	June 6, 1870	June 6, 1870
Peter Gilroy	do	Michael Gilvey	June 6, 1870	June 6, 1870
Thomas Heffron or Hevron	do	Philip Heffron	Oct. 10, 1866	Oct. 10, 1866
Lawrence Heffron	do	Peter J. Dillon	Oct. 8, 1866	Oct. 8, 1866
Andrew Healey	do	John O'Donnell	Sept. 6, 1869	Sept. 6, 1869
Patrick Houston	do	James Knox	Feb. 17, 1868	Feb. 17, 1868
Anthony King	do	James O'Donnell	Sept. 10, 1869	Sept. 10, 1869
Patrick Kilcur	do	Anthony Dixon	Oct. 8, 1868	Oct. 8, 1868
Edward Heraughty	do	James O'Dornell	Sept. 23, 1872	Sept. 23, 1872
Michael Lenihan	do	James Cusic	Oct. 12, 1868	Oct. 12, 1868
John Leonard	do	James Knox	Sept. 15, 1868	Sept. 15, 1868
Thomas McGrath	do	Larry McGrath	Oct. 10, 1868	Oct. 10, 1868
Henry Mills	do	James O'Donnell	Sept. 16, 1872	Sept. 16, 1872
Michael Munnelly	do	William H. Gallagher	Oct. 1, 1866	Oct. 1, 1866
John McDonnell	do	William H. Gallagher	Sept. 14, 1868	Sept. 14, 1868
Patrick McDonald	do	John Gallagher	Sept. 14, 1868	Sept. 14, 1868
James Mullarkey	do	Anthony Gaughan	Aug. 31, 1874	Aug. 31, 1874
Anthony Monoghan	do	James O'Donnell	Oct. 9, 1871	Oct. 9, 1871
Michael McAndrew	do	James Knox	Sept. 15, 1868	Sept. 15, 1868
Owen McClain	do	James O'Donnell	Jan. 11, 1875	Jan. 11, 1875
James Murphy	do	John Gallagher	Mar. 14, 1861	Sept. 14, 1868
Anthony McLaughlin	do	Patrick Lally	Oct. 1, 1866	Oct. 1, 1866
Terrence McGuire	do	Miles Gillooly	Sept. 14, 1868	Sept. 4, 1871
Anthony McEntyre	do	James O'Donnell	Sept. 23, 1872	Sept. 23, 1872
Edward Munnelly	do	William Gaughan	Feb. 12, 1872	June 23, 1874
John Mills	do	James Dixon	Oct. 7, 1876	Oct. 7, 1876
Patrick Monoghan	do	Anthony Dixon	Sept. 8, 1868	Sept. 8, 1868
Michael Noon	do	Anthony Coyle	Oct. 2, 1876	Oct. 2, 1876
Michael Noon	do	John O'Donnell	Oct. 6, 1866	Oct. 10, 1868
Neil O'Donnell	do	C. H. Smith	Sept. 28, 1872	Sept. 28, 1872
Michael O'Boyle	do	Dennis Carduff	Oct. 2, 1876	Oct. 2, 1876
Michael O'Boyle	do	James Dixon	Oct. 7, 1876	Oct. 7, 1876
Patrick Padden	do	William H. Gallagher	Sept. 8, 1866	Sept. 8, 1866
John Purcell	do	Anthony Dixon	Sept. 8, 1868	Sept. 8, 1868
Patrick Roach	do	James Knox	Oct. 12, 1868	Oct. 12, 1868
Thomas Reilly	do	James O'Donnell	Sept. 14, 1868	Sept. 14, 1868
Patrick Reynolds	do	Peter Flanagan	Sept. 6, 1869	Sept. 6, 1869
James Monoghan	do	James Dixon	Oct. 7, 1876	Oct. 7, 1876
Bryan Heffron or Heffner	do	Michael Bowers	Mar. 5, 1855	Sept. 5, 1857
Thomas Tallot	do	James Knox	Nov. 2, 1868	Nov. 2, 1868
John Purcell	do	Charles D. Hipple	Nov. 2, 1866	Nov. 2, 1868
Bartholomew Colihan	do	Andrew Grant	June 7, 1852	Sept. 3, 1860
Mathew Collo	do	Lawrence Farrell	Sept. 6, 1847	Sept. 1, 1851
Patrick Coyle	do	John O'Brien	Oct. 6, 1866	Oct. 6, 1866
Michael Dormer	do	James Doyle	Sept. 17, 1849	Sept. 6, 1852
Michael Donohoe	do	John McMichael	Nov. 1, 1866	Oct. 2, 1871
Patrick Dougherty	do	James Murphy	Oct. 5, 1872	Oct. 5, 1872
Richard Hughes	do	John O'Brien	Oct. 6, 1866	Oct. 6, 1866
Patrick Harkins	do	James Bresslin	Oct. 8, 1866	Oct. 8, 1866
Patrick Langton	do	Thomas Hart	Dec. 8, 1851	Dec. 12, 1853
Cornelius Leary	do	Edward Nalty	Oct. 1, 1866	Oct. 1, 1866
Michael Gannon	do	James Murphy	Oct. 3, 1872	Oct. 3, 1872
John McNelis	do	Charles Con	Sept. 4, 1873	Mar. 16, 1876
John McMichael	do	Patrick McCannon	Sept. 5, 1859	Sept. 10, 1863
James Purcell	do	William Purcell	Sept. 5, 1859	Sept. 5, 1859

Names.	Nativity.	Vouchers.	Date of application.	Certificate issued.
Daniel Boyle	Ireland	Michael Gavin	Oct. 10, 1868	Oct. 10, 1868
John Barrett	....do	James O'Donnell	Oct. 9, 1871	Oct. 9, 1871
William Curry	....do	Thomas Ross	Mar. 7, 1859	Mar. 7, 1859
Patrick Dunleavy	....do	James Dixon	Oct. 7, 1876	Oct. 7, 1876
Michael Daley	....do	John Durty	Oct. 4, 1860	Oct. 10, 1864
William Dormer	....do	Michael Dormer	Sept. 4, 1854	Sept. 4, 1854
James Fisher	....do	Rodger Fisher	Sept. 13, 1852	Sept. 13, 1854
William McHale	....do	Michael Loftus	Oct. 4, 1866	Oct. 5, 1872
Michael Gavin, sr	....do	Patrick Christopher	Dec. 8, 1851	Dec. 12, 1853
Michael Gavin, jr	....do	Ed. McNulty	June 7, 1858	June 7, 1858
Patrick Gannon	....do	J. P. Colihan	Oct. 5, 1872	Oct. 5, 1872
Patrick Hopkins	....do	Anthony McHale	Sept. 25, 1876	Sept. 25, 1876
Cornelius Hagerty	....do	John Daley	Oct. 27, 1856	Oct. 27, 1856
Patrick Johnson	....do	Michael Kelly	Oct. 8, 1866	Oct. 8, 1866
Patrick Lafferty	....do	William Phayne	Sept. 3, 1855	Oct. 9, 1858
William Lawlor	....do	William Keaton	May 15, 1871	Oct. 7, 1876
John McCam	....do	Philip McCam	Oct. 11, 1856	Oct. 11, 1856
Luke McCool	....do	Declaration of intention to become a citizen Mar. 5, 1854.	.....	.....
John McLarkey	....do	James Knox	Oct. 12, 1868	Oct. 12, 1868
Martin McHugh	....do	William Gaughan	Feb. 12, 1872	June 22, 1874
Thomas Munday	....do	William Higgins	Oct. 26, 1838	Aug. 1, 1843
John Whalen	....do	Charles McGee	Oct. 7, 1868	Oct. 7, 1868
Patrick Gannon	....do	James Murphy	Oct. 5, 1872	Oct. 5, 1872
Patrick Gannon	....do	James Murphy	Oct. 5, 1872	Oct. 5, 1872

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, Pennsylvania, do hereby certify that the foregoing names, place of nativity, vouchers, date of application, and date of issuance of certificate of citizenship, is a true and correct copy of the record as it remains in said office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Pottsville, this 10th day of April, A. D. 1877.

[SEAL.]

THOS. F. KERNS,
Prothonotary.

Contestant, now at the closing of the testimony, again objects to all the testimony taken at the several examinations had, as well before C. Little, esq., at Ashland and Pottsville, as before James G. Hutton, esq., at Shenandoah, because the same is taken phonographically by the clerk of the notary, and in letters and characters not understood or comprehended either by the notary, the witnesses, or contestant, or his counsel.

Contestant also objects to all of said testimony, because it was not read to the several witnesses, after their respective examinations were finished and before retiring from the witness stand, except in a few cases.

Contestant also objects to any and all papers offered or proposed to be offered in evidence, not now produced and exhibited before the notary. Contestant especially objects to the admission of certificates of the naturalization of the one hundred and thirty-six persons, a list of whose names has just been handed to contestant's counsel, because such certificates have not been produced heretofore during the said examinations, and are not now produced before the notary, and neither the notary nor the contestant can know whether the same are evidence in the matter, or whether duly proven or attested, are admissible in evidence.

JAMES L. NUTTING,
By his attorney, WM. R. SMITH.

MARCH 24, 1877.

Filed March 24, 1877.

C. LITTLE,
Notary Public.

CARBON COUNTY, *ss:*

I, Thomas Kemerer, prothonotary of the court of common pleas of Carbon County, do certify that the following-named persons appear on the record of said court as having been naturalized on the dates set opposite their respective names.

Witness my hand and official seal of said court this 24th day of March, A. D. 1877.

THOS. KEMERER,
Prothonotary.

Gallagher, John	Sept. 25, 1868
Gallagher, John	Sept. 25, 1868
Gallagher, John	Sept. 25, 1868
McGee, Hugh	Sept. 25, 1868
McGeehan, John	Sept. 25, 1868
Boner, Patrick	Oct. 2, 1866
O'Donnel, John	Oct. 6, 1868
Boyle, John	Oct. 11, 1869
Manley, Patrick	Oct. 11, 1869
McCafferty, Daniel	Oct. 5, 1869
McLaughlin, John	Sept. 25, 1868
McLaughlin, James	July 20, 1868
O'Donnell, Rodgers	Sept. 30, 1868
McConnell, George	Oct. 7, 1869
Call, Peter	Sept. 30, 1872
Boyle, James	Oct. 6, 1869

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 16, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses, whose names are hereinafter given, before C. Little, esq., notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Tuesday, the 20th day of March, A. D. 1877, at ten o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

Thomas Webber, Anthony Curry, Owen Cunnyngham, all of the election-district of North Butler Township, in said county.

Francis Lewis, Ebenezer Mills, Nicholas Lœffler, Joseph Garner, William Garner, Martin Monoghan, all of the borough of Ashland, in said county.

William Sheafer, John Thomas, all of the borough of Saint Clair, in said county.

John B. Shearer, Daniel Deane, John Wentzel, Conrad Bischoff, all of the borough of Tamaqua, in said county.

John Rowe, sr., John Rose, sr., Bennevelle Deiter, Thomas Harvey, Charles Ney, all of the election-district of Frailey Township, in said county.

John Head, James Head, William Martin, John Ross, of the election-district of Blythe Township, in said county.

James E. Brennan, Terrence Connors, Edward Evarts, Morgan Havard, Daniel Ann, all of the election-district of South Cass Township, in said county.

John A. Nash, Anthony Campbell, Martin Cartwright, Mayberry or Marbo Cartwright, John Rebberts, William Washington, Rees R. Rees, Putnam Hanley, all of the borough of Pottsville, in said county.

John Schwalm, of Hegins Township election-district, in said township.

John Rager, of Pine Grove Township election-district, in said county.

J. B. REILLY.

JAMES L. NUTTING, Esq., or to
WM. R. SMITH, Esq., *His Attorney.*

SCHUYLKILL COUNTY, *ss:*

Jacob C. Kline, being duly sworn according to law, doth depose and say he served a copy of within notice on William R. Smith, esq., attorney for James L. Nutting, contestant, on Friday, the 16th day of March, A. D. 1877, in the borough of Pottsville, Schuylkill County, and said Congressional district, at 5 p. m. of said day.

JACOB C. KLINE.

Sworn and subscribed before me this 19th day of March, A. D. 1877.
[SEAL.]

C. LITTLE,
Notary Public.

In the matter of the contested election for a member of Congress for the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 2, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1875, and the several supplements thereto, it is my intention to examine the witnesses, whose names are hereinafter given, before C. Little, notary public in and for said Schuykill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Wednesday, the 7th day of March, A. D. 1877, at nine o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

Daniel Christian, George Weideihold, Henry Byerley, Daniel Cox, William Cox, Jonas Stine, Samuel Miller, George F. Weaver, James Williams, Valentine Benner, E. Swallow, Benneville Sheaffer, William

Adcock, George Johnson, Augustus Galloway, Benjamin Weller, Benjamin Weller, jr., William Weller, Lafayette Billig, Joseph Derr, Henry Grodam, Michael Grodam, Lewis Quinn, Charles Seaman, William Till, Emanuel Eichorn, Samuel R. Russell, Charles Schnerr, Henry Miller, H. H. Hill, John Owens, Frederick Benner, Frank C. Bell, David Brown, William Washington, Charles Gordon, Christian Sheifer, George Sheifer, Maberry Cartwright, Frederick S. Leib, Samuel Morris, sr., John Rebbert, Walter Mathews, E. A. Seaton, E. J. Cadwell, James Bray, Alexander Heffner, Frederick Shelly, William Bender, Andrew Cochran, Charles Fisher, Albert Levi, James Lafferty, Charles Rodgers, John Batam, Moses Brown, George Schaefer, Reese R. Reese, Edward R. Reese, William R. Cromis, Charles Jeremy, Alfred Sanders, Henry Lord, John Sterling, Isaac Stouch, Enoch Thomas, Abraham Wineland, George Bedford, Frank Yungst, A. C. Womer, Augustus Hill, Frank Lord, Henry Johnson, Henry Harrison, all of the borough of Pottsville, in said county.

Henry Drumheller, of the borough of Landingville, in said county.

Horace Skirk, of the borough of Palo Alto, in said county.

John Rowe, jr., Benneville Dieter, Thomas Harvey, Charles Ney, all of the election-district of Frailey Township, in said county.

James Sweeny, William Cullen, Bernard Horn, William Comer, Joseph Gray, James Gray, all of the election-district of East Norwegian Township, in said county.

William G. Burwell, Daniel McKenzie, Thomas McIntire, Emanuel Gray, Barney Kelly, all of the borough of Saint Clair, in said county.

E. Botam, of the election-district of New Castle Township, in said county.

Perry Fegly, Samuel Freed, Charles Schoener, Samuel Lebengood, of the borough of Orwigsburg, in said county.

William Cunningham, James Montgomery, all of the borough of Mount Carbon, in said county.

A. Kreamer, R. W. Bickley, all of the borough of Auburn, in said county.

W. L. Drehr, of the election-district of West Brunswick, in said county.

Harrison Bush, George Williams, Thomas Richards, John Richards, William Mathews, Thomas Lloyd, Thomas Jones, all of the borough of Minersville, in said county.

Terrence Conners, Anthony McHale, James T. Kelly, Thomas Iver, Charles Hopson, William Shortel, James E. Brennan, all of the election district of South Cass, in this county.

James Grace, of the election-district of North Cass, in said county.

William Fritz, of the election-district of North Wayne, in said county.

Frederick Beck, of the election-district of North Manheim, in said county.

James Gray, Hugh Gray, of the borough of Schuylkill Haven, in said county.

Alfred Zimmerman, Mrs. Zimmerman, Gregory Rothmund, Jacob Heberling, jr., Jacob Heberling, sr., all of the election-district of Pine Grove Township, in said county.

Joseph Garner, William Garner, Martin Monaghan, all of the borough of Ashland, in said county.

J. B. REILLY.

To J. L. NUTTING, Esq.

SCHUYLKILL COUNTY, *ss:*

Jacob C. Kline, being sworn according to law, deposes and says that

he served a copy of the within notice on James L. Nutting, esq., at his residence in the borough of Pine Grove, in said county and said Congressional district, on Friday, the second day of March, A. D. 1877, at 2 o'clock p. m., of said day.

JACOB C. KLINE.

Sworn and subscribed this 5th day of March, 1877, before me.
[SEAL.] C. LITTLE,
Notary Public.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 17, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given before C. Little, esq., notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public-house of J. D. Focht, in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Tuesday, the 20th day of March, A. D. 1877, at ten o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place, or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

Edward Edward, of South Cass election-district, in said county.
Patrick McDonald, West Mahanoy election-district, in said county.

J. B. REILLY.

To J. L. NUTTING, Esq., or
WM. R. SMITH,
His Attorney.

SCHUYLKILL COUNTY, *ss:*

Jacob C. Kline, being duly sworn according to law, doth depose and say he served a copy of within notice on William R. Smith, esq., attorney for James L. Nutting, contestant, on Saturday, the 17th day of March, A. D. 1877, in the borough of Pottsville, Schuylkill County and said Congressional district, at 10 a. m. of said day.

JACOB C. KLINE.

Sworn and subscribed before me this 19th day of March, A. D. 1877.
[SEAL.] C. LITTLE,
Notary Public.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 21, 1877.

SIR: You are hereby notified that, in pursuance of an act of Con-

gress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given before C. Little, esq., notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the court-house, in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Friday, the 23d day of March, A. D. 1877, at two o'clock in the afternoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken, at said place, or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

Thomas F. Kerns, prothonotary of Schuylkill County, who has in his custody the boxes containing the ballots of the persons who voted in the several election-districts of said county at the general election held November 7, 1876, and which it is proposed to open and examine.

J. B. REILLY.

To J. L. NUTTING, Esq., or
W. R. SMITH,
His Attorney.

SCHUYLKILL COUNTY, *ss:*

Jacob C. Kline, being duly sworn according to law, deposes and says he served a copy of within notice on William R. Smith, attorney for James L. Nutting, contestant, in the borough of Pottsville, in said county and said Congressional district, on Thursday, March 21, A. D. 1877, at 4.30 p. m. of said day.

JACOB C. KLINE.

Sworn and subscribed before me this 23d day of March, A. D. 1877.
[SEAL.]
C. LITTLE,
Notary Public.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 21, 1877.

SIR: You are hereby notified that in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, before C. Little, esq., notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of J. D. Focht, in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Friday, the 23d day of March, A. D., 1877, at ten o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said

place, or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

Charles Heim, John Curran, of the election-district of North Cass Township, in said county.

Thomas Carroll, William Mapstone, of the election-district of South Cass Township, in said county.

Edward Monoghan, of the borough of Ashland, in said county.

William Henry, of the election-district of Porter Township, in said county.

Edward Hepner, of New Castle Township election-district, in said county.

George Chambers, of the borough of Pottsville, in said county.

George Krell, of the borough of Tamaqua, in said county.

W. B. Price, of the borough of Minersville, in said county.

J. Franklin Harris, Samuel Heffners, John Christian, of the borough of Pottsville, in said county.

James E. Brennan, Terrence Connors, of the election-district of South Cass Township, in said county.

Daniel Farrel, of the election-district of Frailey Township, in said county.

Abraham Davis, of the borough of Saint Clair, in said county.

J. B. REILLY.

To J. L. NUTTING, Esq., or W. R. SMITH, Esq.,
His Attorney.

SCHUYLKILL COUNTY, *ss:*

Jacob C. Kline, being duly sworn according to law, deposes and says he served a copy of within notice on Wm. R. Smith, attorney for James L. Nutting, contestant, in the borough of Pottsville, in said county and said Congressional district, on Thursday, March 21, A. D. 1877, at 4.30 p. m. of said day.

JACOB C. KLINE.

Sworn and subscribed before me this 23d day of March, A. D. 1877.
[SEAL.]
C. LITTLE,
Notary Public.

No. 6.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States of America for the Forty-fifth Congress, between James L. Nutting, contestant, and James B. Reilly, incumbent.

And now, to wit, March 6, 1877, at the public house of Charles Neuman, in the borough of Shenandoah, Schuylkill County, Pennsylvania, at 9 o'clock a. m., the undersigned duly attended, for the purposes of his appointment, to take the depositions of witnesses *ex parte* incumbent in the above-entitled case:

John A. Nash, esq., and Anthony Campbell, esq., were present to examine the witnesses on behalf of the said incumbent, and Wm. R. Smith, esq., was present to cross-examine the witnesses on behalf of the said contestant.

Merwin L. York was sworn as a short hand writer of the depositions. (Oath hereto attached.)

Mr. Smith, on behalf of the contestant, objected to the taking of testimony at this time and place: first, that the person before whom the

same is to be taken is qualified under the act of Congress to take the same; second, that the testimony cannot be taken stenographically, as it is proposed to be taken, and counsel for contestant object to the taking of it in that form.

Oath administered to the stenographer.

JAMES L. NUTTING, CONTESTANT,
vs.
JAMES B. REILLY, INCUMBENT.

You do solemnly swear that you will faithfully and accurately take down the testimony that shall be given in the above-entitled case, between James L. Nutting and James B. Reilly, and faithfully and accurately transcribe the same into long-hand to the best of your knowledge and ability: so help you God.

M. L. YORK.

Sworn and subscribed before me this 6th day of March, 1877.
[SEAL.]
JAS. HUTTON,
Notary Public.

The witnesses were then called, duly sworn, and examined, on behalf of the incumbent, as follows, to wit:

ABRAHAM WISE, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In Mahanoy City.

Q. In what ward?—A. In the lower ward—the first ward; down below the dead-line.

Q. How long have you lived there?—A. I have lived there, I guess it is three or four years, going on four years; but then I was away in the hospital a long while.

Q. When were you in the hospital?—A. I was on the 5th of July or August last; I could not tell exactly, but I know it has been three years coming the next July; three years this Christmas.

Q. When did you come to this country?—A. Thirteen years last August.

Q. How old are you now?—A. I am going on twenty-two.

Q. When were you twenty-one?—A. I was twenty-one on the first of August—the first or second of August. I will be twenty-two next August.

Q. Can you tell when you were born?—A. In 1855.

Q. Have you paid any taxes?—A. No, sir; they never asked me. They told me I could vote on age this time, and pay taxes next time, and the tax man said he had not my name down for tax in the book.

Q. You produce here a paper sworn to the 4th day of September, 1876?—A. Yes, sir.

Q. In which you swear you are twenty-two or thereabouts; how do you explain that?—A. That was Mr. Troutman's fault, as I was over twenty-one, that he would put it at twenty-two or thereabouts.

Q. When were you twenty-two?—A. I was twenty-one last August; I will be twenty-two next August.

Q. When did you come to this country?—A. I could not tell you that; I was too young. My father was killed when I was a year old, and my mother was in the old country then.

Q. Do you know what day your birth-day was in 1855?—A. My uncle told me; he said that he was there the day I was born, and that was somewhere around the first or second of the month.

Q. When did he tell you this?—A. He has told me this many a time.

Q. Lately?—A. No, sir.

Q. How do you fix your age at twenty-one or as having been born in 1855?—A. Because my uncle knows the time he got married, and he came up there when I was born, and then they made an ado over me—they generally have a little beer at such times.

Q. When was he married?—A. That is what I could not answer.

Q. Do you know when your uncle was married?—A. No.

Q. Do you fix your age by the time when your uncle was married?—A. I fix it by what my uncle told me; that is all I have to look to.

Q. Tell us whether or not you have any records to show your age?—A. No, sir, I have not the records, but I can get the records from the old country. I sent a letter, but I cannot get them in the time you wish them.

(No cross-examination.)

ABRAHAM WIRE.

Sworn and subscribed before me this 6th day of March, 1877.

JAMES HUTTON,
Notary Public.

Mr. Nash, on behalf of incumbent, offered in evidence a map of Shenandoah, in an atlas of Schuylkill County, Pennsylvania, published by F. W. Beers & Co., which map was made from surveys of A. B. Cochran and F. W. Beers, civil engineers, showing that the Thomas Coal Company's houses are outside of the corporate limits of the borough of Shenandoah, and are in West Mahanoy Township.

Mr. Smith, on behalf of contestant, objected to this map, as it is not an official map, and is not such a map as can be given in evidence in any case, and that it is notoriously known as incorrect.

JONATHAN WASLEY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Cross-examination by Mr. Nash:

Question. Where do you live?—Answer. In the upper end of the town—in number one in what is known as the Thomas Coal Company's houses.

Q. Do you live in this row to which I have referred in this map—the Thomas Coal Company's row of houses?—A. Yes, sir; at number one.

Q. What is it called?—A. No. 1.

Q. Did you vote at the State election?—A. I did.

Q. Where did you vote?—A. In the polls of the second ward.

Q. How long have you voted in Shenandoah?—A. Fourteen or fifteen years, I think—fourteen years, I think, but not as a borough, I think; I have voted in it as a borough some ten years since it was incorporated.

Q. For whom did you vote for Congress in the last election?

(Mr. Smith, on behalf of contestant, objected that as the witness has not been proven an illegal voter, it is not proper to ask the witness the question, and he is not bound to answer.)

Q. In what ward did you vote?—A. In the upper or second ward.

Q. Tell us whether or not you paid taxes in Mahanoy Township subsequent to the incorporation of Shenandoah?—A. I did.

Q. How long?—A. I think I paid taxes for 1863, 1864, 1865, and 1866, and, if I remember right, it was the summer or fall of 1866 the borough was incorporated, and from that time to the present I have paid taxes in the borough. Subsequent to the incorporation of the borough I paid taxes in the township, and the township polls were held down at Shoemaker's.

Q. Do you mean after?—A. Subsequent to the incorporation of the borough the township polls were held in what is now the borough. The year 1863 I went over to Mahanoy City to vote, and we had a polling-place there.

Q. Then after the incorporation of this borough of Shenandoah did you vote in the township election?—A. No, sir; I voted in the borough always.

Q. Did you know where the township-lines run and the borough-lines?—A. I knew the borough-lines.

Q. This map shows that the Thomas Coal Company's collieries or houses are not within the limits of the borough of Shenandoah?—A. So that map shows.

Q. If that be true, did you reside in the borough; if this map be true? (Map in evidence shown witness.)

A. (No answer.)

Q. In what election-district?—A. I always considered I resided in the borough election-district.

Q. If this map be true, in what election-district do you reside?—A. If the north line there is a borough-line, then I am—I would naturally be in the township if that is the true borough-line. I do not consider that the borough-line; the whole of us in the township or most of us considers the borough-line as going up above the company houses. I always considered it such, and have been voting in the borough for the last ten years.

Q. Was not the way in which you got into the borough that you made an application to the school district here to have your children educated in the borough schools?—A. No, sir; I never made no such application.

Q. Or people in your vicinity?—A. No, sir; I can tell you my recollection, but it is hearsay.

(Mr. Smith, on behalf of contestant, objected to any hearsay evidence.)

A. (Witness continuing.) At the time this borough was incorporated there was some trouble between the borough officers—the school-board officers and the township school board; there was some arrangement to be made; they were making some arrangement with the Mahanoy Township school board in regard to the school property of the place. I was informed that they arranged with the township for the school property for five hundred and some odd dollars; and the township was to have the colliery tax, which includes the land tax, but that the borough should have all the taxes of the Thomas Coal Company's houses. They agreed on this basis, and we went to court and had the same confirmed by the court, and that is the reason that I always considered that row in the borough. Squire Woolwich was elected from the house I now live in—I think next door to me, number two, I think—as justice of the peace in this borough; I think it was in the spring of 1868, but I am not positive about that.

Q. Where did your children go to school?—A. In the borough.

Q. Then you are in the borough for school purposes, too, are you?—

A. For all purposes, so far as I know. They took good care to collect the tax.

Q. Is there a road in front of this row?—A. No; not right in front.

Q. What is it?—A. There are lots laid out right along, but there are no houses built in front of this row of houses.

Q. Where does the road go by which you get to it?—A. You just go right up Main street and turn to the right; it is a regular street.

Q. Is there not a road between the borough and this row of houses?—A. There is a street there—a regular street in front of the houses.

Q. Does that run close to the houses?—A. Yes; right close to the houses, and kept up by the borough; and there is a bridge farther over kept up by the borough, on the other side of these houses.

Q. Has the company any land this side of the row?—A. The Girard estate, do you mean?

Q. The company under which they hold; the land along which they operate.—A. They claim, down this side of the houses, something about a hundred feet; we ran our works down accordingly to that point.

Q. Are there any taxes paid by the No. 1 collieries or the Thomas Coal Company collieries in that township?—A. The Thomas Coal Company pays nothing in that township except their live-stock tax, which is up on the hill.

Q. I will ask you the question again, for whom did you vote for Congress at the election in November, 1876?

(Mr. Smith, on behalf of contestant, objected.)

A. I would rather not answer that question.

Q. This is a matter that must be answered.—A. With all due respect and deference to you, gentlemen, I refuse to answer. I do this with the utmost kindness to all.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. When was the borough of Shenandoah incorporated?—A. In 1866.

Q. What time of the year was it incorporated?—A. I am not positive, but I think it was in mid-summer, or rather I think towards fall. I know I was on the committee.

Q. From the time that the borough was incorporated up to this time, you have voted and paid your taxes in the borough?—A. Yes, sir.

Q. And you live in the same house in which you lived then?—A. No, sir; I have been living there about eight years; I moved there in the fall of 1868—I think it is nine years.

Q. Did you hear any question in regard to your being in the borough until here a few weeks ago?—A. Well, it was at the last election—last February, I think; when I was elected as a school director there were objections made.

Q. State if they made any objections to the court.—A. No, sir; I think it was Mike O'Harra that stopped those objections at the polls, saying that he knew all about it and it was all right.

JAS. WASLEY.

Sworn and subscribed before me this 6th day of March, 1877.

JAMES HUTTON,
Notary Public.

SOLOMON HOPPES, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

By Mr. Nash:

Question. Where do you live?—Answer. Mahanoy City.

Q. In what ward do you reside?—A. In the third ward.

Q. In what ward did you reside at the time of the election last November?—A. In the same ward.

Q. Had you resided previously thereto in another ward in the town?—A. Yes, sir.

Q. In what other ward did you reside?—A. I wish to correct myself on this. I think I made a mistake saying in the third ward instead of second ward.

Q. On what street did you reside?—A. On Center street.

Q. Near what street running at right angles to it?—A. Near Third street; it is pretty near to the corner of Third street, I think.

Q. Near what side-street?—A. It is Third street, I think.

Q. On which side of the street—on the north or south?—A. It is on the road from the Reading depot—coming down from the Reading depot.

Q. Is that the north or south side?—A. It is the north side of Center street.

Q. Where did you live prior to that time?—A. Right on the south—on the same side; on Third street on the south, though—toward the south.

Q. Did you live on Center street?—A. Yes, sir.

Q. You mean east of Third street on the same side of Center street?—A. Yes, sir.

Q. You live on the corner now, do you?—A. Not quite at the corner. I think there are two buildings between us.

Q. Before that did you live on the corner?—A. No, sir; I did not live quite at the corner; I lived in A. Hoppes & Company's block there.

Q. Was it not in the next square east?—A. Yes, sir.

Q. When did you move from A. Hoppes & Company's block to where you live now?—A. On the 1st of September.

Q. Are you a married man?—A. Yes, sir.

Q. In what ward did you vote, the ward you live in now or the one you lived in then?—A. The ward I live in now.

Q. Tell us whether or not your family moved with you the 1st of September.—A. Well, I moved on the 1st of September—yes, with my family.

Q. And the family moved?—A. Yes, sir.

Q. And did you take possession of the house you now live in on the 1st of September?—A. Yes, sir; I claimed that as my residence from the 1st of September.

Q. Did you take possession of the house you now live in on the 1st of September?—A. Of course, I had part of my goods there and I claimed that as my residence.

Q. Was there any part of your goods left in the other house?—A. There was perhaps a few goods left, such as I could not move.

Q. Can you give us the time when your family moved to the house where you live now?—A. We have been there every day since the first day of September—because we have been there as much as we could be there.

Q. Then your family reside there now, in that house?—A. Yes, sir.

Q. Tell us whether or not they took up a permanent residence there on the first day of September or when you took it up?—A. The first day of September I claimed that as my residence there.

Q. You are not answering my question; I want to know when your family took up a permanent residence there?—A. I say the first of September.

Q. They moved into this house?—A. They moved there, and have been partly there—we have been partly there.

Q. Partly there?—A. Yes; I claimed that as my residence.

Q. Does your family stay in that house altogether since the 1st day of September?—A. Yes, sir.

Q. Altogether?—A. Yes, sir.

Q. Who stays in the other house?—A. In which house?

Q. The one which you moved from.—A. Nobody at all; there is somebody there now, but there was nobody there when I left there.

Q. Have you got all your things moved out of that house now?—A. Yes, sir; everything is moved out.

Q. When were they moved out?—A. These goods were moved out about the first of September.

Q. All your goods?—A. Not quite all; because I had the privilege to leave part of them there as long as I liked to.

Q. Did any of you or your family stop in that house after the 1st of September?—A. Part of the family slept there sometimes and part of the family slept in the other place, but I slept there all of the time and claimed it as my home.

Q. When did the balance of your family leave the other house?—A. I could not say particularly.

Q. About what time?—A. I could not state that, because I think that as much as I know about it, it was about the 3d or 4th of September.

Q. Your whole family left the house?—A. Yes, sir.

Q. And went to where?—A. To the place where they live now.

Q. Tell us whether or not you have been living and eating and sleeping in the house where you now live since the first of September.—A. I could not tell you particularly.

Q. Or about there?—A. I could not tell you particularly; I might have been there. I guess we had some goods there and we had to take care of them until that time.

Q. Until what time?—A. The third or fourth.

Q. Of September?—A. Yes, sir.

Q. Are you positive of the time when the balance of your family left that house and went to the house where you now live?—A. I cannot tell you. I never paid any attention to it for this reason, because I never paid any attention to it. I was just entering into a new business and I paid attention to my business at that time. I cannot tell you anything positive about it.

Q. Why did not the family move from where you lived down to where you live now?—A. It was on account of another family being in the house, and on account of sickness; it was unavoidable. The sickness was in the family that lived in the house prior to our moving in. It was a confinement.

Q. Where were the family living in which the sickness was?—A. In the same place where I live now.

Q. What time did they go away from there?—A. I could not positively tell you.

Q. About what time?—A. I think it was probably about the middle of the month, as near as I can tell you.

Q. Before that family left the house had your family moved all their things in?—A. Very nearly all; as much as we could.

Q. Where did you keep the balance?—A. The balance was kept in place where I was before.

Q. Where did your wife stay?—A. My wife, she staid with me where I staid; with me in the place where I am living now.

Q. Who staid at the other place?—A. Some of the rest of the folks—my father-in-law and mother-in-law.

Q. Who else?—A. A sister-in-law.

Q. Are they all members of your family now?—A. Not exactly members of my family, although they staid with me; I guess you call them members of the family.

Q. And it was in the middle of the month when they moved over to where you now live; the middle of September when they moved to the house in which you now live?—A. I cannot say exactly the time; I think it was the third or fourth that we made a permanent move. You know I never paid any attention to it.

Q. Who made the permanent move?—A. We folks.

Q. Your wife, too?—A. Yes, sir.

Q. Did she come before your father-in-law and mother-in-law?—A. Yes, sir; I think so—as near as I can tell. I could not tell you positively the time. I never paid any attention to it, being as I was interested in business at the time, and gave all my attention to business, so that I could not positively say what time we moved.

Q. While the wife staid in that house in which you had resided, did you stay with her?—A. That is some nights, because when I clerked in the store I had to stop in it myself, but I claimed it as my home.

Q. I want you to try and remember whether your wife came there with your father and mother in law or before them?—A. That I cannot say, really. I could not make a perfect answer to that.

Q. You could not remember that?—A. No, sir.

Q. I believe you said that about the middle of the month they came over with the balance of the things?—A. I could not tell you that positively.

Q. Can you tell us whether or not they did?—A. Indeed I could not

Q. Whether it was done the 7th of September or not?—A. I could. not tell you, because I never paid any attention to it, because I was not as much interested in the election as all that about voting. I am on my oath here, and I do not want to tell anything but what is the truth. I do not want to have any trouble about it, because I want to tell nothing but the truth. I never paid any attention to it.

Q. Can you tell us positively what time you went over to take possession of this store?—A. I took possession of this store the first of September, and I have the receipts in my pocket to show to you.

Q. How much of your household furniture did you move over that day?—A. As much as I could, on account of the family living in the place prior to me that I could not move at once.

Q. How long was this woman sick at this house to which you moved after you got there?—A. I cannot tell you exactly; as much as I remember, nine or ten days.

Q. Then your family did not move in there until you got this woman out?—A. As much as I could. Of course I claimed that as my home.

Q. Your wife did not come there until you got this woman out?—A. She was there partly, and through the day all the time.

Q. And through the night you went back to the old home to sleep there?—A. Yes, sir; part of the time.

Q. You staid with your wife?—A. The most of the time I slept at the place on account of the business.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You have a written lease upon which you leased this property from the 1st of September, 1876?—A. Yes, sir.

Q. And you paid rent regularly from that time?—A. Yes, sir.
Q. You moved your store into it?—A. Yes, sir.
Q. And you moved your goods into it as much as was possible to move into it on account of the family that lived in it?—A. Yes, sir.
Q. And your wife was there?—A. Yes, sir.
Q. And you slept there nearly all the time?—A. Yes, sir.
Q. Some others of your family slept there?—A. Yes, sir.
Q. The reason that you did not have all your family in the house on the 1st of September, for a week or so, was that the family that lived in it could not move because the wife had just been confined. Then, for how long have you rented that house?—A. For only one year from the 1st of September.

Redirect examination by Mr. Nash:

Q. Then, you said you voted in the ward in which you now live?—A. Yes, sir.
Q. Did you try to vote in the other ward?—A. Yes, sir; I did, but I tell I was ignorant of it, because I always voted there before.

Recross-examination by Mr. Smith:

Q. You never knew that you had got into the other ward?—A. No, sir.

Redirect examination by Mr. Nash:

Q. For whom did you vote for Congress at the last election?
(Mr. Smith, on behalf of contestant, objected that the witness has not been proven an illegal voter, and cannot be asked the question.)
A. I suppose I dare say the party I voted for—for Mr. Nutting.

SOLOMON HOPPES.

Sworn and subscribed before me this 6th day of March, 1877.

JAMES HUTTON,
Notary Public.

HENRY ROTH, being sworn, according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. I live in the Thomas Coal Company's house.
Q. In that row there?—A. Yes, sir.
Q. Did you vote at the last election?—A. Yes, sir; I did.
Q. Have you papers and tax-receipts here?—A. Yes, sir.
Q. When did you come to the country?—A. I cannot remember the day, but I am over twenty-four years here, or something like that.
Q. Have you got your tax-receipts here? (Witness produced receipts.)
Q. You live in the row in which Jonathan Wasley lives?—A. Yes, sir.
Q. Near the Thomas Coal Company row?—A. I never heard what you call it. I lived seven years in the house where I am now.
Q. That belongs to the Thomas Coal Company?—A. Yes, sir.
Q. Then, if the Thomas Coal Company is not in the borough, do you live in the borough of Shenandoah?—A. Yes, sir, I do.
Q. If the Thomas Coal Company is not in the borough?—A. That is what I have been told. I have paid taxes since.——
Q. If that row is not in the borough, then you do not live in the borough, do you?—A. Why, of course, if they throw them out, then they are not in.

Q. What district would you be in if that was in Mahanoy Township?—A. I cannot answer that question hardly. I worked about nine years for the Thomas Coal Company, and I did not see no township tax collected. They make us pay taxes to the borough, and people that have got children send the children to school in the borough.

Q. Where did you work for the Thomas Coal Company?—A. Yes, I am working steady for the last nine years.

Q. For whom did you vote for Congress at the last election?

(Mr. Smith, on behalf of contestant, objected that as the witness has not been proven an illegal voter, he is not bound to answer that question, and incumbent's counsel has no right to ask the witness.)

A. Allow me; I never was asked such a question, and I won't tell my wife. If the law compels me—I feel sick, I have got the asthma, and I cannot talk much, either. I was never asked such a question, and I have never told my wife, and I never told anybody. I pick always my man out, and if I think he is an honest man I vote for him.

The COMMISSIONER. Will you answer the question?

The WITNESS. No, sir.

Mr. Smith. No, you need not answer the question.

(Mr. Nash, on behalf of incumbent, objects to the counsel for the contestant undertaking to instruct the witness of the incumbent as highly unprofessional and impertinent.)

The COMMISSIONER. You must answer the question put to you by the counsel for the incumbent?

Q. For whom did you vote for Congress?—A. I voted for the President that is in the chair now. I could not tell you particularly the rest of the other men, but I am sure of that.

Q. Who gave you your ticket?

(Mr. Smith, on behalf of contestant, objected to the question.)

A. I got it from the man at the polls. I do not remember any more who the man was. I had no time to stay there. I came from the colliery, and of course I did not take notice who was the man, and I went right to my work again.

Q. You stated that you selected from the candidates the man whom you thought the best man; when the man gave you the ticket were you sure it was your man?—A. Yes, sir; I seen the ticket.

Q. The question was asked you who that man was.—A. The man gave me the ticket—I did know the man by name.

Q. Did you read your ticket?—A. I looked over it; but I do not remember every man that was on it.

Q. Colonel Nutting was running for Congress on the Republican ticket and James B. Reilly was running on the Democratic ticket; for whom did you vote?

(Mr. Smith, on behalf of contestant, objected.)

A. I could not tell any more who was on. May be Colonel Nutting was; I could not remember.

Q. What ticket was it?

(Mr. Smith, on behalf of contestant, objected.)

A. The Republican ticket, sir.

Q. Did the person who gave you the ticket you voted for President give you the whole ticket?—A. Indeed, I do not remember any more.

Q. Was that the only ticket you got, that you got from this man?—A. That was the full ticket. I do not know how many was on it, but that was the ticket.

Q. You voted with that ticket for the person who is in the chair as President now,?—A. I seen that name on it, anyhow.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You say you lived eight or nine years in the house where you live now?—A. No, sir; about seven years, but I worked eight or nine years for the Thomas Coal Company.

Q. Did you always during this seven years pay your tax in the borough of Shenandoah?—A. Yes, sir.

Q. And you sent your children to the schools in the borough?—A. I have only a little baby.

Q. You always voted in the borough?—A. Yes, sir.

HENRY ROTH.

Sworn and subscribed before me this 6th day of March, 1877.

JAMES HUTTON,
Notary Public.

JOHN R. JONES, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. You were subpœnaed to bring your tax-papers and citizen's papers; have you got them?—Answer. Yes, sir. (Produces papers.)

Q. Where do you live?—A. In the Gap.

Q. Is that in the Thomas Coal Company's row of houses?—A. Yes, sir.

Q. Where Wasley and Roth reside?—A. Yes, sir.

Q. Where were you born?—A. In Wales.

Q. When?—A. In 1843.

Q. When did you come to this country?—A. In 1869.

Q. How long have you resided in this State?—A. Since the time I came to the country.

Q. When did you become acquainted with Richard Edwards?—A. The first Sunday I came to Shenandoah; in April, 1869.

Q. How long have you resided in the Gap, at the Thomas Coal Company's row?—A. In 1870 I believe, or along in the fall of 1869.

Q. For whom did you vote for Congress at the last fall election?

(Mr. Smith, on behalf of contestant, objects that witness has not been proven an illegal voter and that the incumbent has no right to ask the question and demand an answer.)

A. I do not know that I should answer that question.

Q. Upon what ground do you refuse to answer?

(Mr. Smith, on behalf of contestant, objected.)

A. I cannot see why they should vote by ballot if I should go and announce my name afterwards. It did not matter a particle to me who I voted for, but I can't see why the ballot should be kept secret and then for me to go and announce who I voted for.

Q. This is an investigation before Congress; this commissioner is a representative of Congress to take this testimony, and that is the reason why you should answer; it is none of our business as individuals.

(Mr. Smith, on behalf of contestant, objects and says that this is not legal testimony.)

The COMMISSIONER. I think you should answer this question. If you decline answering, you understand you will be liable to be called up again as a witness.

A. It makes no difference to me. I voted the whole of the Republican ticket.

Q. For whom did you vote for Congress?—A. For Nutting.

Q. Was it James L. Nutting?

(Mr. Smith, on behalf of contestant, objected.)

A. Indeed that is more than I know. It was Nutting; I do not remember the whole name.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr Smith:

Q. You lived in that row since 1869?—A. Yes, sir.

Q. You paid your taxes in the borough, and you voted in the borough, and sent your children to the borough to school?—A. Yes, sir.

Q. All that time?—A. Yes, sir.

Q. No one questioned your right to vote heretofore?—A. No, sir.

Q. When you sent your children to school in the borough?—A. Yes, sir.

Q. No one said you had no right to pay any tax in the borough?—A. No, sir.

Redirect examination by Mr. Campbell:

Q. You did vote here in the borough of Shenandoah at the last election?—A. Yes, sir.

Mr. Nash (continuing redirect examination):

Q. Do you know what ward you voted in?—A. In the first ward.

(Mr. Smith, on behalf of contestant, objected to all the witnesses examined here to-day, on the ground that their place of residence or the election-district in which they reside is not given in the notice served upon the contestant.)

JOHN R. JONES.

Sworn and subscribed before me this 6th day of March, 1877.

JAMES HUTTON,
Notary Public.

Examination adjourned to 1.30 p. m.

TUESDAY, *March* 6, 1877.

Afternoon session. Examination resumed at 1.30 p. m. Counsel for respective parties present.

J. H. Pomeroy, esq., appeared with counsel on behalf of contestant. Charles N. Brumm also appeared on behalf of contestant.

JOSEPH GUNTER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

(Mr. Smith, on behalf of contestant, objected to this witness, because his place of residence is not given in notice to contestant.)

Direct examination by Mr. Nash:

Question. You were subpœnaed to produce your naturalization-papers and tax-receipts?—Answer. Yes, sir. (Producing papers.)

Q. Where do you live?—A. Up in the Gap houses.

Q. That is the Thomas Coal Company row?—A. Yes, sir.

Q. Do you live near Jonathan Wasley and Roth?—A. Yes, sir; I live between them.

Q. How long have you lived there?—A. It is between nine and ten years.

Q. When did you come to this country?—A. In 1855.

Q. To this county?—A. I came to Tamaqua; I think it is in this county.

Q. Did you vote at the last election?—A. Yes, sir.

Q. In what ward did you vote?—A. In the second ward; I think it is.

Q. Where was the polling-place at which you voted?—A. Down here at Scheifly's.

Q. Do you know where the polling-place is in the first ward?—A. Down in the bottom of town somewhere I heard; I do not know exactly.

Q. How near to you does John R. Jones live?—A. He lives about the middle of the row, I guess.

Q. Within how many yards of you?—A. O, I cannot tell you; may be 100 yards. I live pretty near Wasley's.

Q. For whom did you vote at the last election for Congress?

(Mr. Smith, on behalf of contestant, objected that the witness is a legal voter, and therefore not bound to answer.)

A. I could tell who I voted for if I had any business to. I do not know why I should tell.

Q. For whom did you vote for Congress at the last fall election?

(Mr. Smith, on behalf of contestant, objected.)

The COMMISSIONER. We think that the question should be answered. The question is considered relative to the matter before us, and we think it should be answered.

A. Well, my opinion differs from that, and that is where we differ.

(Mr. Nash, on behalf of incumbent, asked that the witness be instructed to answer the question.)

The COMMISSIONER. You have obligated yourself to answer certain questions in relation to this matter, and we think that it is your duty to answer this question. Who you voted for is none of our business as individuals, but this matter is being contested, and this is the only legal way to ascertain the facts; and if you withhold the answer, they will bring you up again to answer the question.

A. I consider it in another light. I heard years ago that it was nobody's business to answer for whom a man voted, and the other day a man brought up in the country said that it was nobody's business who I voted for, and I need not tell nobody.

Q. Do you refuse to answer?—A. Yes, sir.

Q. Who told you that?—A. A minister here in the Methodist church. He said, in the way of conversation, that he would vote for whom he liked, and that every man should do the same.

(Mr. Nash, on behalf of incumbent, requested that the commissioner instruct the witness to answer the question.)

The COMMISSIONER. Do you positively refuse to answer this question?

The WITNESS. I do at this time.

The COMMISSIONER. I ask you as commissioner to answer this question.

A. (Witness continuing.) Well, I must have more law on it than I have got now before I shall answer. If I see that there is any reason that I have to answer it by reason and justice and fair play, I will do it; but I will not until I am fully convinced as it is rightly to do. I must be rightfully convinced.

The COMMISSIONER. Why do you refuse to answer the question?

A. Because I do not think it is right to answer every question that everybody asks me. If you will put it off until I come again, I will study the point. I have not studied the point myself.

Q. Have you received any instructions from anybody with regard to this?—A. No, sir.

Q. Have you been conversing with anybody about your rights, except the Methodist minister?—A. I have talked many times in my life.

Q. Since you were subpœnaed?—A. No, sir; I have no conversation with anybody about this matter.

Q. Have you had any conversation about this matter to-day?—A. Yes, sir; about among my own friends, back and forward.

Q. As to whether you would answer?—A. Of course we talked together many times. We have talked together about many things.

Q. About this?—A. About this amongst others; yes, I have. Of course they are now talking down below.

Q. Did you discuss with them whether you would answer?—A. Not particularly. I won't say only what is right, and if I thought it was right, I would answer you right away.

The COMMISSIONER. We think that you cannot withold the answer upon consideration of this question, and do you still persist in not answering the question?

A. I do; I will not answer the question.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Did you vote at the same place that Jonathan Wasley voted?—A. Yes, sir; we are in the same ward.

Q. You voted at the place you voted for the last two years?—A. Yes, sir; for the last five or seven years.

JOSEPH GUNTER.

Sworn and subscribed before me this 6th day of March, 1877.

JAMES HUTTON,
Notary Public.

WILLIAM PETERS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

(Mr. Smith, on behalf of contestant, objected to the witness for the reason that the ward in which he resides is not given in the notice.)

Direct examination by Mr. Nash:

Question. You were subpœnaed to bring your tax-papers and naturalization-papers?—Answer. I never got any naturalization-papers.

Q. Where do you live?—A. I live No. 5, Gap company's houses.

Q. Is that in the row where Wasley, Roth, and Gunter live?—A. Yes, sir.

Q. Where were you born?—A. I was born in North Wales.

Q. How old are you now?—A. I cannot tell you exactly, but somewhere between thirty-four and thirty-five.

Q. When did you come to this country?—A. I came to this country six years ago.

Q. Did you vote at the last election?—A. No, sir; I have not voted in this country.

Q. Is another William Peters living there?—A. I do not know of another living there by the name of William Peters.

Q. Do you know of another William Peters in the ward?—A. Not as I know of; I do not know of any.

(No cross-examination.)

WILLIAM PETERS.

Sworn and subscribed before me this 5th day of March, 1877.

JAMES HUTTON,
Notary Public.

ROBERT ROBERTS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

(Mr. Smith, on behalf of contestant, objected to this witness, because the ward in which he resides is not given in the notice.)

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In the Gap houses, or the company houses.

Q. Did you vote at the last election?—A. Yes, sir.

Q. Where?—A. Down here in what is called Scheifly's.

Q. What house did you vote at?—A. At Scheifly's.

Q. In this square?—A. It belongs to the Gap square.

Q. How near is it to this place here?—A. About three or four houses down here.

Q. Where the saloon is?—A. No.

Q. Is it where Scheifly's saloon is?—A. Scheifly keeps a tavern there.

Q. Did you vote at Sam Reshwitz's?—A. No.

Q. Is the row where you live the same place where Jonathan Wasley lives, and William Peters and Joseph Gunter live?—A. Yes, the same row.

Q. They live in the same row?—A. Yes, sir.

Q. You were subpœnaed to produce your naturalization-papers and tax-receipts; can you produce them?—A. (Produces papers.) Yes, sir.

Q. When did you come to this country?—A. Seven years back.

Q. Do you know what year?—A. Yes; in 1870.

Q. What time in the year?—A. About the 17th of May.

Q. Where does John James, your witness, live?—A. I do not know.

Q. Do you know him?—A. Yes, sir; he lives up here a piece; I do not know where he lives; he lives in town somewheres.

Q. How long have you known James?—A. About twelve months, I guess.

Q. How long have you been living in Shenandoah?—A. I have been living here since I came here first; since 1870.

Q. When did you get acquainted with James?—A. I seen him around here as one of the police.

Q. And that was twelve months ago?—A. Yes, sir.

Q. Did you come straight up here when you landed?—A. Yes, sir; I came from New York up here straight.

Q. When did you vote first?

(Mr. Smith, on behalf of contestant, objected.)

A. On voting day.

Q. In what year did you vote?—A. This year, I guess.

Q. In this year?—A. Yes; I did not vote nowhere except on voting-day down here.

Q. For whom did you vote for Congress at the last election?

(Mr. Smith, on behalf of contestant, objected that the witness is a lega voter and cannot be asked for whom he voted for Congress.)

A. Did somebody else tell you that?

Q. The question is, for whom did you vote for member of Congress?—A. Perhaps I would do something wrong if I told you.

The COMMISSIONER. No, it will not be anything wrong; you must answer the question.

Q. The question is for whom did you vote for member of Congress?—A. I do not think I will tell you that.

The COMMISSIONER. You will not get yourself into any trouble by answering, but you may if you do not. If you positively refuse you will be brought up again to answer the question.

A. I heard other people say down here that I need not answer.

The COMMISSIONER. It is my duty to see that you answer the questions asked you by the gentlemen upon either side. It is a question which in the law, as I am informed, is proper at this time, and I ask you as commissioner, with the power invested in me, to answer the question.

A. If you will pick a man that will answer that question for you I will do the same.

The COMMISSIONER. I ask you again to answer the question.

A. I tell you the same as before.

Q. Do you refuse to answer the question?—A. I will answer if some one will answer before me.

Q. How do you know that other persons would not answer?—A. I heard them telling after they went down.

Q. Who did you hear telling?—A. Many down there.

Q. Tell us any one that said they refused to answer.

(Mr. Smith, on behalf of contestant, objected to this and all similar questions.)

Q. Tell us who told you that he refused to answer?—A. I don't know the fellow; the fellow that was in here this morning.

Q. Was that Wasley; the gentleman sitting over there (indicating Wasley, a middle-aged man and former witness)?—A. It was a young fellow.

Q. Where does he live?—A. I do not know.

Q. Who else told you?—A. That fellow told us down there.

Q. Was it the lawyer from Mahanoy City?—A. I do not know; I never seen the fellow before.

Q. Was it a fellow with a long overcoat?—A. No, sir.

Q. How was he dressed?—A. With black clothes on.

Q. With a slouch hat?—A. No.

Q. With a soft hat?—A. No, sir; a cap, and there was many besides that, but everything he asked me I cannot tell you.

Q. To whom did this fellow say that you need not answer?—A. I heard him tell a crowd in the bar-room.

Q. Will you answer the question that has been asked you, for whom did you vote at the last election for member of Congress?—A. If you will bring somebody else to answer it first I will tell you.

Q. You have taken an oath here to tell the whole truth; do you propose to abide by that oath or not?—A. The last fellow that went out——

Q. We do not care about the last fellow; will you tell the whole truth and abide by your oath? Will you answer the question I ask you? For whom did you vote at the last election for Congress?—A. I cannot answer that.

Q. Can you answer it, or won't you answer it?—A. If I answer that, perhaps I will have more trouble than I have ever had.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. How long have you lived where you now live?—A. About six months.

Redirect examination by Mr. Nash:

Q. Where did you live before that?—A. I lived in the houses a bit lower down.

Q. How long were you in the place before you voted?—A. I cannot tell you that.

Q. What part of Wasley's house did you live in before you moved to this house?—A. I lived in John Hugh's, near Daniel Ellis's.

Q. Tell us whether or not that is in the same ward.—A. Yes, sir.

Q. Do you know that it is?—A. Yes, sir.

Q. Within what ward is it?—A. In the same one; I think in the fourth ward.

Q. Do you know how long before the election you moved into that house where you now live?—A. No, sir; I cannot tell.

Q. Was it eight months?—A. No, sir.

Q. Was it two months?—A. I cannot tell you exactly.

Q. Do you know about what time?—A. No, sir; I cannot tell you.

Q. Was it six days?—A. It was more than that.

Q. Was it ten days?—A. I guess it was about six weeks.

Q. Six weeks before the election that you moved into the house?—A. Yes, sir.

Q. Which way from Dan Ellis's; north, south, east, or west?—A. Dan Ellis lived down in that new house, about two hundred yards.

Q. How many houses between it and the house you now live in?—A. One block.

Q. Do you live in the same block now you did before you moved into it—the present house?—A. I live in the company's house.

Q. How many houses are between the house you live in now and the house you lived in before?—A. None.

Q. No houses between them?—A. No.

Q. Did you live in the row before you moved to the house you live in now?—A. No; there was no row there.

Q. In the row?—A. I came from there up to the company's houses.

Q. Whereabouts was this house that you lived in?—A. Not far from the Merchants' Hotel.

Q. Was it near here?—A. No; out there.

Q. Was it nearer to the borough than the Thomas Coal Company houses?—A. Yes, sir.

Q. Tell us whether or not it was in the borough of Shenandoah or outside of it that you lived before you moved to where you live now?—A. Just the same borough as before.

Recross-examination by Mr. Smith:

Q. You live in the same ward that Mr. Wasley lives in?—A. Yes, sir.

his
ROBERT + ROBERTS.
mark.

Sworn and subscribed before me this 6th day of March, 1877.

JAS. HUTTON.
Notary Public.

WILLIAM STEIN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Smith, on behalf of contestant, objected that the ward in which the witness resides is not given in the notice, and his name is not the one given in the notice to the contestant.)

Question. Where do you reside?—Answer. Gap company houses. (Papers produced.)

Q. You live in the Gap company houses?—A. Yes, sir.

Q. Is that the same row that Jonathan Wasley, Robert Roberts, William Peters, and Joseph Gunter live in?—A. Yes, sir.

Q. Where were you born?—A. Scotland.

Q. When were you born?—A. I was born in the year 1834.

Q. When did you come to this country?—A. I came to this country in 1871.

Q. What time did you come to this country in 1871?—A. I came to Shenandoah the 2d day of August, 1871.

Q. The 1st of August, 1871?—A. I came into Shenandoah the 2d day of August, 1871.

Q. Have you remained in Shenandoah ever since?—A. Ever since.

Q. How long have you been living where you now reside?—A. A couple of years—a little over.

Q. What ward did you vote in?—A. In the second ward I voted.

(Mr. Nash, on behalf of incumbent, offered in evidence a certified copy of the naturalization-paper of William Stein, dated October 7, 1876, and issued out of the court of common pleas of Schuylkill County, with the seal of the said court, and attested to by Thomas F. Kearns, prothonotary. It recites also a declaration of intention of becoming a citizen of the United States on the 1st of November, 1873.)

Q. How long had you known John James before you got that paper?—A. Ever since I came the country.

Mr. SMITH. What is the object of offering a certified copy of the naturalization-papers in the case?

(The counsel for incumbent refuses to state object.)

Q. For whom did you vote for Congress at the last fall election—at the election of 1876?

(Mr. Smith, on behalf of contestant, objected to the question, because the witness is a legal voter and cannot be asked the question.)

A. I voted the Republican ticket.

Q. Who was on it for Congress?—A. Mr. Nutting.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. How long have you lived where you now live?—A. I guess a little over two years. I did not mind the date I moved to the Gap company's house.

Q. Are you a man of a family?—A. I have eight children.

Q. Where do your children go to school—those that go?—A. In the borough of Shenandoah.

Q. Do you pay your taxes in the borough of Shenandoah?—A. Yes, sir; in the borough of Shenandoah.

Q. You pay the borough taxes as well as the county and State taxes?—A. Yes, sir; the borough tax, school tax, and county tax.

Q. Your vote was not challenged at the last election?—A. No, sir.

Q. You showed your papers at the last election?—A. Yes, sir.

Q. How long since you lived in Shenandoah borough?—A. Since August, 1871.

Q. Did you live in the borough since 1871?—A. Since August 2, 1871, and still remain since.

Redirect examination by Mr. Nash:

Q. If the Thomas Coal Company's houses are not in the borough of Shenandoah, then you do not live in the borough of Shenandoah?

(Mr. Smith, on behalf of the contestant, objected to the question.)

A. No; if they are not in the borough I would not be living in the borough.

WM. STEIN.

Sworn and subscribed before me this 6th day of March, 1877.

JAS. HUTTON,
Notary Public.

FRANK WILLMAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Did you vote at the last election?—Answer. I did, sir.

Q. You voted at the last election, where?—A. In the second ward,
Q. The borough of Shenandoah?—A. Of Shenandoah; yes, sir.
Q. Where were you born?—A. In Berks County, Amity Township.
Q. Have you got with you your tax-receipts?—A. Yes, sir; I have. (Produces papers.)

(Mr. Nash, on behalf of incumbent, offered in evidence the following tax-receipt:)

"SHENANDOAH, *January* 17, 1876.

"Received of Frank Willman one and fifty-hundredths dollars, in full for State and county taxes for 1875.

"H. J. NEUMAN,
"*Collector.*"

Q. Where do you live?—A. In what is called the Gap company houses.
Q. Is that the row in which Wasley and others live?—A. Yes, sir; next door to Mr. Wasley's.
Q. To whom do the houses belong?—A. To the Thomas Coal Company.
Q. For whom did you vote for Congress at the last fall election; the election of 1876?

(Mr. Smith, on behalf of the contestant, objected to the question, that the witness is a legal voter, and cannot be asked the question.)

A. I was under the impression that if a man was a legal voter the ballot-box was private.

The COMMISSIONER. It is a legal question, and it is a question that should be answered.

A. As I stand here now I cannot fool away any time from the occupation I am at work at. I voted the Republican ticket; that is, between these two parties for Congress.
Q. Give us the name of the man for whom you voted.—A. I voted for Nutting.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. How long have you lived where you now live?—A. Where I now live, it will be three years in April.
Q. Are you a man of a family?—A. I am.
Q. Do your children go to school in the borough of Shenandoah?—A. They do, all of them.
Q. You pay your borough, school, and county tax all in the borough of Shenandoah?—A. Yes, sir.
Q. And when you vote, you always voted in the borough of Shenandoah?—A. Yes, sir.
Q, Your right to vote was never questioned because you did not live in the borough?—A. No, sir.
Q. Will you tell us now why you answered how you voted for Congress; give us your full reason?—A. Well, I can give you that. I am inside man up at the Gap; at the Thomas Coal Company.
Q. Inside superintendent?—A. Yes, sir; and it would not do for me to fool away my time; and it was through Mr. Wasley's request that I came to-day.
Q. You never knew that anybody questioned whether you live in the borough of Shenandoah till this contest?

(Mr. Nash, on behalf of incumbent, objected to the question as immaterial.)

A. No; I had no difficulty; I voted here the same as always.

Q. You would be surprised to find that you did not live in the borough of Shenandoah?—A. Well, I knew that the borough-line was on this side of our houses, but I thought there was a provision made for us to vote in the borough.

Q. Did you say the borough-line was this side of your house?—A. The borough-line.

Q. How do you know that the borough-line was in front of your house?—A. I was told so.

Q. You did not know it yourself.—A. No, sir.

Q. You were told by somebody that it was there.—A. Yes; I understood our line was the borough-line.

Q. You had been told that by somebody.—A. Yes, sir.

Q. Was it because you knew you would be kept here a day or two that you answered that question?—A. I do not know how long I would be kept; I could not stay, because I am employed monthly, because I have no right to be away.

Q. You knew that some of the witnesses that went out had to stay here until they answered the question.—A. Yes, sir.

Redirect examination by Mr. Nash.

Q. You were not subpœnaed for to-day.—A. For to-morrow.

Q. Did not you send Mr. Wasley to me to ask me to call you to-day?—A. Yes, sir.

Q. You need not have come until Thursday if you had not desired to do so, according to your subpœna?—A. It says on the 8th day of March; that would bring me here on Thursday, would not it?

Q. Then, as a favor, you got called on the stand?—A. I do not know whether it was a favor or not, but I came.

Q. If the line of the borough was where you supposed it to be, it would throw you out into the township?—A. Yes, sir; it would.

FRANK WILLMAN.

Sworn and subscribed before me this 6th day of March, 1877.

JAS. HUTTON,
Notary Public.

ISAAC THOMAS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Smith, on behalf of contestant, objected to the examination of this witness, because the ward in which he lives is not given in the notice.)

Question. Have you got your naturalization-papers? If so, will you produce them?—Answer. Yes, sir. (Papers produced.)

Q. Where do you live?—A. In the Gap houses.

Q. That is what is called the Thomas Coal Company houses; the same row in which Jonathan Wasley, Stein, and Willman live?—A. Yes, sir.

Q. How long have you lived there?—A. About three years next May.

Q. Did you vote at the last election?—A. I did.

Q. In what ward?—A. In the first ward.

Q. How near to Jonathan Wasley's do you live?—A. I live in the fartherest house—in twenty-two.

Q. You voted in the first ward in the borough?—A. Yes, sir.

Q. Where were you born?—A. In Wales.

Q. Do you know how long ago?—A. I was born in the year 1839, the 24th of December.

Q. When did you come to this country?—A. In 1863, sir.

Q. What time in 1863?—A. Well, I landed in New York the 15th of May; anyhow, I was in Saint Clair on the 17th of May.

Q. When did you become acquainted with Richard Edwards?—A. I guess in 1864.

Q. Did you pay your own taxes in 1876?—A. Yes, sir.

Q. By yourself, to the tax-collector?—A. Yes, sir; to John A. Reilly, here.

Q. With your own money?—A. Yes, sir; my own money.

Q. For whom did you vote for Congress at the last November election—the November election of 1876?

(Mr. Smith, on behalf of contestant, objected to the question. It appears that the witness has paid his taxes, and he is a legal and qualified voter, and it cannot be asked for whom he voted for Congress.)

A. Who?

Q. Yourself.—A. That is my business. Am I compelled?

The COMMISSIONER. Mr. Thomas, why not answer that question as well as the others asked you?

A. I voted the full Republican ticket.

Q. Did you know for whom you voted for Congress, Nutting or Reilly?—A. Nutting.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You paid all your taxes, all your county and State taxes?—A. Yes, sir.

Q. Are you a man of family?—A. Yes, sir; I have four children.

Q. Where do they go to school?—A. In Shenandoah.

Q. Do you pay your taxes in Shenandoah?—A. Yes, sir; the school taxes.

Q. Pay the borough taxes, too, in the borough?—A. Yes, sir.

Q. And ever since you lived in this place you voted in the borough of Shenandoah?—A. Yes, sir.

Q. Your right to vote was never questioned by anybody because you did not live in the borough?—A. No, sir.

Q. You claimed to be a resident of the first ward, and claim that you had a right to vote in that ward?—A. Yes, sir.

Redirect examination by Mr. Nash:

Q. Do you know why you are allowed to vote in the borough?—A. No, sir; I was assessed in this borough anyhow.

Q. If the Thomas Coal Company's houses are not in the borough then are you in the borough?—A. I paid for to be in the borough anyhow.

Q. But, Mr. Thomas, if that row of houses, belonging to the Thomas Coal Company, are not in the borough of Shenandoah, then are you in it—would you be in the borough if they were not in it?—A. I could not tell you about that; why do they want to collect taxes if I am not in the borough? I paid the borough taxes for my children to go to the borough-school.

Q. If the Thomas Coal Company houses are not in the borough of Shenandoah, then do you live in the borough of Shenandoah?—A. I do not understand much about the thing at all, whether it is in the borough or not. I know I have got to pay taxes for it.

Q. Can you tell whether it is in the borough or not?—A. No, sir; I do not know anything about it; whatever he asks me for I pay him; the borough officer.

ISAAC THOMAS.

Sworn and subscribed before me this 6th day of March, 1877.

JAS. HUTTON,
Notary Public.

SIMON GREGORY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm on behalf of contestant objected to the examination of this witness on account of insufficiency of notice.)

Question. Tell us where you live.—Answer. In the Gap houses.

Q. Is that in the row of houses belonging to the Thomas Coal Company, in which Jonathan Wasley, Isaac Thomas, Frank Willman, and others live?—A. Yes, it is.

Q. Did you vote at the last November election in the fall of 1876?—A. I did.

Q. In what ward?—A. In the first ward.

Q. In which do you live? Give us its relative position.—A. Number seventeen.

Q. Are there numbers on the houses?—A. There was, but I think there is some of them that is faded by the weather, I should judge.

Q. Who lives opposite to you on each side—east and west or north and south?—A. William Lawson lives east, James North lives west.

Q. Have you got your naturalization-papers and tax-receipts?—A. I have.

Q. Will you please produce them?—A. Yes, sir. (Tax-receipts produced in evidence.)

Q. Where were you born?—A. I was born in England.

Q. When?—A. The date?

Q. Yes, sir.—A. I cannot say exactly; in 1838 or 1839, I guess.

Q. How old are you?—A. I will be thirty-nine in April next.

Q. Do you say you will be thirty-nine years old in April next?—A. Yes, sir.

Q. When did you come to this country?—A. In 1852.

Q. Do you know what time of the year you were born?—A. Is it the month of the year?

Q. Yes, sir.—A. In April, I suppose.

Q. If the Thomas Coal Company's houses are not in the borough of Shenandoah, then do you live in the borough of Shenandoah?—A. Not if it is not in the borough; no, sir.

Q. For whom did you vote for Congress at the last November election, in 1876?

(Mr. Brumm, on behalf of contestant, objected to the question, that the witness is a naturalized citizen and has paid all his taxes and is a qualified voter, and therefore cannot be asked for whom he voted.)

A. When I deposited my ballot I done it with the understanding that no one should know it but myself.

The COMMISSIONER. It is proper that you should answer this question, it is a legal one.

The WITNESS. I am not compelled to do it.

The COMMISSIONER. You are compelled to do it.

The WITNESS. I do not understand it so; I think as my right as a citizen, I have a right to keep that.

The COMMISSIONER. Why do you refuse?

The WITNESS. Why, as a right of my own, I think.

The COMMISSIONER. You are on your oath now, and this is a ques-

tion which must be answered. Do you positively refuse to answer the question?

The WITNESS. I think I ought to, as a private right of my own.

The COMMISSIONER. Do you positively decline to answer the question?

The WITNESS. I think I voted the Republican ticket.

Q. Who was on that ticket for Congress?—A. That is coming back to the old question.

Q. You have not answered that?—A. I think so.

Q. Do you understand the question I asked?—A. Yes, sir.

Q. For whom did you vote for Congress, if you voted the Republican ticket?—A. I think I voted for Nutting.

Q. Did you read your ticket?—A. I think so.

Q. Tell us whether or not you are positive he was on it for Congress.—A. That is coming pretty near home I think. I think I am positive.

Q. Then who was it?—A. I think I voted the Republican ticket.

Q. The full Republican ticket?—A. I could not tell whether full or not. I have been in the habit sometimes of splitting my ticket.

Q. As far as Congress is concerned, are you positive for whom you voted?—A. I think I voted for Nutting.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. How long have you lived where you live now?—A. That is here joining the borough.

Q. In this place?—A. I have lived here three years.

Q. In the house you live in now?—A. Yes, sir; three or four years.

Q. Did you pay your county and State taxes and borough and school taxes in the borough, and were you assessed in the borough?—A. Yes, sir.

Q. Whenever you voted you voted in the borough?—A. Yes, sir.

Q. Are you a man of a family?—A. Yes, sir.

Q. Where do your children go to school?—A. In the borough.

Q. You paid all your taxes for the last three years?—A. Yes, sir; I believe I have.

Q. And you are a naturalized citizen?—A. Yes, sir.

Q. And have been since when?—A. Since September, 1860.

Redirect examination by Mr. Nash:

Q. Do you know that that borough was put in for school purposes?

(Mr. Smith, on behalf of contestant, objected that the record will show it, it being the best evidence.)

Q. Do you know that you were put in the borough for school-purposes?—A. I do not.

Q. Do you know whether the borough line is on this side of that row; if it were this side of that row would you be inside or outside of it?—A. I would be out of it.

SIMON GREGORY.

Sworn and subscribed before me this 6th day of March, 1877.

JAS. HUTTON,
Notary Public.

(Mr. Nash, on behalf of incumbent, offered in evidence notice of the calling of Israel Eisenhart, of Mahanoy Township.

Mr. Smith, on behalf of contestant, objected to this notice because it is not served upon Mr. Nutting personally, and also because it does not state the time.)

JACOB SCHUEY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Smith, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. I live in what they call the Gap houses.

Q. State whether or not that is one of the houses belonging to the Thomas Coal Company.—A. I cannot tell whether they belong to the Thomas Coal Company or not, but they say so.

Q. You live in the row in which Jonathan Wasley lives?—A. The same row.

Q. About what number?—A. Number ten.

Q. Who lives on the west side of you?—A. Henry Lewis.

Q. And on the east side of you?—A. A man by the name of Hughes.

Q. In what ward did you vote?—A. I voted in the first ward.

Q. Tell us whether or not you have voted in any other ward.—A. I did not vote in any other ward since Shenandoah was divided into wards.

Q. Where were you born?—A. In Germany.

Q. How old are you?—A. I will be thirty-nine next Friday.

Q. Do you know in what year you were born?—A. In Germany.

Q. In what year?—A. I was born in the year of 1838.

Q. Have you got your naturalization-papers with you?—A. Yes, sir.

Q. Will you please produce them?—A. Yes, sir. (Naturalization-papers produced.)

Q. When did you come to this county?—A. I came to this country in 1854.

Q. If the Thomas Coal Company houses, if that row of houses in which you live are not in Shenandoah, in what township do you live?—A. Well, I suppose I ought to be living in Mahanoy Township, then.

Q. Tell us if you do not know whether that row is in Mahanoy Township.—A. No, sir; because I never bothered myself about the map.

Q. Do not you know that it was questioned whether it was or not?—A. No, sir; I do not. While I am living there I paid my taxes in the borough, and there was no bother about voting any how.

Q. For whom did you vote for Congress at the last fall election—the election of 1876?

(Mr. Smith, on behalf of contestant, objected to the question, as witness says he has paid his taxes, is a naturalized citizen, is a qualified voter, and cannot be asked the question.)

A. Since I am a citizen of this country I have voted the Republican ticket, but not in local elections, for there I took the best man—who I thought would be the best man.

Q. Do you know for whom you voted for Congress?—A. At the last general election?

Q. Yes, sir.—A. Yes, sir; I voted for Colonel Nutting.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. How long have you lived where you now live?—A. I have lived here since October, 1873.

Q. During all that time you paid your taxes in the borough?—A. Yes, sir.

Q. To the borough officers?—A. Yes, sir.

Q. All the taxes; county, State, borough, and school taxes?—A. Yes, sir.

Q. Are you a man of family?—A. Yes, sir.

Q. Where do your children go to school?—A. Here, in the borough of Shenandoah.

Q. Was there ever any objection made to your children going to school because you did not live in the borough?—A. No, sir. I suppose all a person needs is to get a permit from the teacher.

Q. You claim that you live in the borough of Shenandoah, and you claim that you had a right to vote where you did vote?

(Mr. Nash, on behalf of incumbent, objected to the question as irrelevant and immaterial.)

A. I claimed a right to vote where I paid my taxes.

Q. You are a naturalized citizen?—A. Yes, sir.

Q. And you have your papers here with you?—A. Yes, sir.

Q. In what year were you naturalized?—A. I was naturalized in 1860.

Q. In Schuylkill County, in Pottsville?—A. Yes, sir.

Redirect examination by Mr. Nash:

Q. Do you not know that the borough line runs between that row of houses and the built portion of the town?—A. No, sir; I do not, because I never was a borough officer and I did not bother myself about it; my impression was, however, that wherever I paid my taxes I was a legal voter, and I had a right to vote; that was always my impression.

JACOB SCHUEY.

Sworn and subscribed before me this 6th of March, 1877.

JAS. HUTTON,
Notary Public.

JOHN R. GRIFFITHS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

(Mr. Smith, on behalf of contestant, objected to the examination of this witness, on account of insufficiency of notice.)

Question. Where do you live?—Answer. In East Coal street, in Shenandoah.

Q. Is that in the Thomas Coal Company's row?—A. No, sir.

Q. You were subpœnaed to produce your naturalization-papers here; have you got them and tax-receipts?—A. Yes, sir. (Papers produced.)

Q. Where were you born?—A. In Wales, sir.

Q. When?—A. I cannot tell you exactly.

Q. About when?—A. I am about twenty-seven years old, between twenty-seven and twenty-eight.

Q. When did you come to this country?—A. I came to this country in 1869.

Q. Where did you come to—to Shenandoah?—A. No, sir; down to West Moreland County.

Q. When did you come to Schuylkill County?—A. In December, in 1869.

Q. Have you ever been back to Wales since you came here?—A. No, sir.

Q. Who is John Griffith, your witness?—A. John Griffiths, who keeps tavern in Girardville.

Q. How long have you been living where you now live?—A. Pretty near three years.

Q. It is East Coal street, is it?—A. Yes, sir.

Q. How far this side of Wasley's house is it?—A. I guess about two or three hundred yards; one or two hundred, anyhow.

Q. In whose house do you live?—A. In my own house.

Q. Who lives near you?—A. John Tunnah.

Q. You have been living there for three years?—A. Yes, sir; I bought a lot near John Tunnah's.

Q. In what ward do you live?—A. In the second ward.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You are a naturalized citizen; when were you naturalized; when did you get your papers—the last paper?—A. The last paper I got in 1876, the 14th of August.

Q. You have that here now?—A. Yes, sir; I have that here now. [Papers shown.]

JOHN R. GRIFFITHS.

Sworn and subscribed before me this 6th day of March, 1877.

JAS. HUTTON,
Notary Public.

JONATHAN ROGERS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

Question. Where do you live?—Answer. I live in the Gap houses.

Q. Are those the houses that are commonly known as the Thomas Coal Company houses?—A. Yes, sir.

Q. Where did you vote at the last election—last November election?—A. Down in the first ward.

Q. The first ward in the borough of Shenandoah?—A. Yes, sir.

Q. Have you got your tax-receipts and papers with you?—A. Yes, sir.

Q. How long have you lived in the Thomas Coal Company's houses at the Gap?—A. I am living at those houses since the year 1870.

Q. For whom did you vote for Congress at the last November election of 1875?

(Mr. Smith, on behalf of the contestant, objected to the question, for the witness has shown that he is a naturalized citizen, has paid his taxes, and is a qualified voter, and therefore cannot be asked for whom he voted.)

A. Well, sir, I cannot recall now the names that were on the papers at all.

Q. What ticket did you vote?

(Mr. Smith, on behalf of contestant, objected to the question.)

A. The Republican ticket.

Q. Do you know who was running for Congress on that Republican ticket?—A. Indeed I do not know who was running for Congress, and to tell the fact, I did not know that a Congressman was on, and I did not know until to-day that Hess's name was on, the only name I remember on the ticket, and that is all. The other names were strange to me.

Cross-examination on benalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You say you lived in those houses in that row since 1870?—A. Yes, sir.

Q. Where did you pay your taxes?—A. They came to the door to collect them.

Q. You paid the borough tax during that time?—A. O, yes, sir.

Q. Where do your children go to school?—A. To the Shenandoah school.

Q. To the public schools in the borough of Shenandoah?—A. Yes, sir.

Q. You voted in the borough of Shenandoah ever since you lived in this house?—A. Yes, sir.

Q. You never had your right to send your children to school or to vote in the borough questioned—nobody disputed your right?—A. O, no; never.

Q. You claimed to live in the borough?—A. Why, yes, sir.

Q. And the right to vote where you did vote?—A. Yes, sir; and I inquired as to that, and they said they must take my furniture for the taxes.

Q. You are a naturalized citizen—you have citizen-papers?—A. O, yes, sir.

Q. You showed those papers to the election-officers at the last election?—A. Yes, sir.

Q. You paid your taxes?—A. Yes, sir; and paid my taxes.

Q. You have your papers and tax-receipts here?—A. I have them.

Redirect examination by Mr. Campbell:

Q. You say that you claimed your residence in the borough of Shenandoah; if that row of houses is outside of the borough of Shenandoah do you live in the borough of Shenandoah?—A. If they are out of it, I cannot be in.

JONATHAN ROGERS.

Sworn and subscribed before me this 6th day of March, 1877.

JAMES HUTTON,
Notary Public.

WILLIAM LAWSON, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

(Mr. Smith, on behalf of contestant, objected to the examination of the witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. In the Gap.

Q. In the Gap houses?—A. Yes, sir.

Q. Do you live in what is commonly known as Thomas Coal Company's houses?—A. Yes, sir.

Q. Did you vote at the last election?—A. Yes, sir.

Q. Where?—A. At Tobin's.

Q. In what ward?—A. In the first ward.

Q. Of Shenandoah borough?—A. Yes, sir.

Q. Have you got your naturalization-papers along with you?—A. Well, I have brought one, but it is pretty well worn out. (Paper produced.)

Q. Is this all?—A. That is all there was of it.

Q. Where were you born?—A. In Lancashire, England.

Q. When did you come to this country?—A. I came to this country in August, 1863.

Q. Have you your tax-receipts?—A. Yes, sir. (Tax receipts produced.)

Q. For whom did you vote for Congress at the last November election?

(Mr. Brumm, on behalf of contestant, objected to the question, that the witness was a qualified voter.)

A. I voted for Nutting.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You are a naturalized citizen—you have your naturalization-papers and your citizen's papers?—A. Yes; of course.

Q. When did you get them?—A. I do not know; it is on the paper there.

Q. About how many years ago?—A. I do not know.

Q. How long have you lived where you now live?—A. Seven years.

Q. Are you a man of a family?—A. Yes, sir.

Q. Have you children?—A. Yes, sir.

Q. Where do they go to school?—A. They go to the big school in town here.

Q. To the public school in the borough of Shenandoah?—A. Yes, sir.

Q. You paid your borough, school, and county tax in the borough?—A. Yes, sir.

Q. You claimed your residence in the borough of Shenandoah?—A. O, I do not know.

Q. And claimed the right to vote where you did vote?—A. I always have voted here, anyhow.

Q. You always voted there where you did vote?—A. Yes, sir.

Q. Voted there ever since you lived where you do—where you now live?—A. Yes, sir.

WILLIAM LAWSON.

Sworn and subscribed before me this 6th day of March, 1877.

JAMES HUTTON,
Notary Public.

WILLIAM AINSWORTH, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

(Mr. Smith, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. I live in the Gap houses.

Q. Live in the same row where Jonathan Wasley does?—A. Yes, sir.

Q. Did you vote at the last election?—A. Yes, sir.

Q. Where?—A. In the first ward.

Q. Where were you born?—A. I was born in England, Lancashire.

Q. Have you got your naturalization-papers with you?—A. Yes, sir.

(Papers produced.)

Q. When did you come to this country?—A. I came to this country in the fall of 1869.

Q. Have you got your tax-receipts with you?—A. I have got two; I have not paid the 1876 tax yet.

Q. For whom did you vote for Congress at the last November election of 1876?

(Mr. Smith, on behalf of contestant, objected to the question, as the witness is a legal voter and citizen, and has paid his taxes, and therefore cannot be asked the question.)

A. Well, I voted the whole Republican ticket.

Q. Who was on that ticket for Congress?—A. Well, I cannot remember their names at the present time, but it was the Republican ticket.

Q. For Congress?—A. Yes, sir; right through.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You cannot say now, from your recollection, that it was a Republican candidate you voted for for Congress?—A. Yes; I can swear to that, for it was the Republican ticket, but I cannot name every name that was on the ticket.

Q. Can you swear that the Republican candidate was upon that ticket?—A. Yes, sir.

WILLIAM AINSWORTH.

Sworn and subscribed before me this 6th day of March, 1877.

JAS. HUTTON,
Notary Public.

JOHN S. GRIFFITHS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

(Mr. Smith, on behalf of contestant, objected to the examination of the witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. Up at the Gap.

Q. In the Gap houses?—A. Yes, sir.

Q. Are these houses commonly known as the Thomas Coal Company houses?—A. Do they belong to Thomas?

Q. Yes. Are they known as the Thomas Coal Company houses?—A. Yes; I pay the rent to that company.

Q. Did you vote at the last November election?—A. No, sir.

Q. Did not vote at the last election?—A. No, sir.

Q. Do you know of another John Griffiths up here, living up here?—A. No; not in the Gap houses.

Q. You said you did not vote at the last election; I mean the last November election?—A. No, sir.

(No cross-examination.)

JOHN S. GRIFFITHS.

Sworn and subscribed before me this 6th day of March, 1877.

JAS. HUTTON,
Notary Public.

JOSEPH GUNTER, recalled.

Direct examination by Mr. Campbell:

Question. For whom did you vote for Congress at the last November election?—Answer. I voted for the Republican party all through, and would do it again.

Q. For whom did you vote for Congress at the last general election?—A. Nutting, of course, because I thought he was the best man.

(Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Why do you come back now to state this?—A. Well, because I was told to stop here until they called me. They called me back, and as I said just now, I came back because I wanted to get out of it. I told you before I said so.

Q. Do you answer because they refused to let you go home unless you did tell?—A. Yes, sir; I think I had no right.

Q. You mean that they had no right to ask you that?—A. I do, sir; because I do not want to be held here for that, because it cannot make any difference who knows.

Q. By "them," you mean by Mr. Reilly?—A. I mean by this gentleman here. (Indicating Mr. Nash.)

Q. He subpœnaed you here?—A. Yes, sir; that is exactly so.

Q. You still think they had no right to insist upon your answering the question?—A. I still believe so.

Q. Because you are a legal voter?—A. Yes, sir; that is so.

Q. And voted legally, at the proper place, at the November election?—A. Yes, sir.

JOSEPH GUNTER.

Sworn and subscribed before me this 6th day of March, 1877.

JAS. HUTTON,
Notary Public.

ROBERT ROBERTS recalled.

Direct examination by Mr. Campbell:

Question. For whom did you vote for member of Congress at the last election?—Answer. For the Republicans.

Q. Do you know the name—who was running for Congress on the Republican ticket?—A. No, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. Did you read the Republican ticket?—A. No, sir; I cannot read.

Q. You cannot read?—A. I cannot read.

Q. Then you did not read the ticket?—A. I cannot read the English language.

Q. Then you did not of your own knowledge know that it was the Republican ticket?—A. No, sir; I put my ticket through the window.

Q. You got the ticket and put it in?—A. Yes, sir.

Q. And all you know is that you put it in for a Republican ticket?—A. Yes, sir.

Q. Will you tell us why you came back to tell us this? You were here before. Now tell us why you came back.

(Mr. Campbell, on behalf of incumbent, objected to the question as incompetent.)

A. Because I came back to answer; because I heard that others that came after me had answered the question.

Q. How long have you lived where you live now?—A. About six months, sir.

his
ROBERT + ROBERTS.
mark.

Sworn and subscribed before me this 6th day of March, 1877.

JAMES HUTTON,
Notary Public.

EVAN BOWEN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

(Mr. Smith, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where were you born?—Answer. I was born in South Wales.

Q. How old are you?—A. I will be thirty-one the 8th of this month.
Q. How long have you been in this country?—A. Fifteen years next November, I guess.
Q. Have you got your papers with you?—A. Yes, sir. (Papers produced.)
Q. Have you got your tax-receipts?—Yes, sir; for 1876.
Q. Where do you live now?—A. In the Gap houses at present; during the election I lived in the second ward.
Q. At the time of the election you lived in the second ward?—A. Yes, sir; I just moved there to the Gap houses the day after.
Q. The day after the election?—A. Yes, sir.
Q. How long had you resided in the second ward here?—A. Since June or July; I cannot tell exactly.
Q. Where did you come from to the second ward?—A. In the ward Sam Rush lives—fourth ward; yes, that is it.
Q. How long have you lived in Shenandoah borough?—A. Two years this fall, I believe; no, two last fall, not this fall.
Q. You say you moved out of the second ward into the Gap houses?—A. I was in the second ward while I voted, for we were to move the day of election.
Q. Are you a man of family?—A. No, sir.
Q. A single man?—A. Yes, sir.
Q. You stopped in the ward for the purpose of voting there, and did not move into the other ward?—A. No, sir; because if I did I would have lost my vote.
(No cross-examination.)

EVAN BOWEN.

Sworn and subscribed before me this 6th day of March, 1877.

JAMES HUTTON,
Notary Public.

PHILLIP DEVITT, being duly sworn according to law, doth depo e and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Smith, on behalf of contestant, objected to the examination o this witness on account of insufficiency of notice.)
Question. Where do you live?—Answer. West Lloyd street, in Shenandoah.
Q. Do you know of the corrupt use of any money on behalf of Colonel Nutting, or at his instance, for the Republican ticket at the late election?
(Mr. Smith, on behalf of contestant, objected to this question, unless witness knows of his own personal knowledge of the use of money by Colonel Nutting.)
A. I do not know a thing about Colonel Nutting or his money of my own personal knowledge.
Q. What are your politics?
(Mr. Smith, on behalf of incumbent, objected.)
The COMMISSIONER. Have you any objection to answering that question?
A. No, sir; not in the least. I am not sworn or pledged to either party.
Q. Tell us whether you received any money from Mike Monaghan?
(Mr. Smith, on behalf of contestant, objected that Michael Monaghan has nothing to do with this contest, is no agent of Colonel Nutting, and does not suppose he is an agent of Mr. Reilly's.)
A. (Hesitates.)

The COMMISSIONER. Do you refuse to answer the question?

A. I do not care much about answering. I had ten dollars from Michael Monaghan, but he did not say anything about election to me, and he told me he would give me ten dollars.

Q. What did he say that money was to be used for?

(Mr. Brumm, on behalf of contestant, objected.)

Q. What did he ask you to stop at home for?

(Mr. Brumm, on behalf of contestant, objected.)

A. Not for anything.

Q. Why did he say he would pay you the money?

(Mr. Brumm, on behalf of contestant, objected.)

A. For to stop home and see the election going on and mind some tickets.

Q. You said to mind some tickets—what tickets?—A. Republican tickets, of course.

Q. Do you know in whose interest Michael Monaghan was working?

(Mr. Brumm, on behalf of contestant, objected.)

Mr. NASH. The object is to show in whose interest this money was to be used.

(Mr. Brumm, on behalf of contestant, objected that it has not been shown that Michael Monaghan was authorized by Mr. Nutting to pay over any money, nor that this was paid with the knowledge or consent of Mr. Nutting, therefore cannot affect him, and as cross-examination of incumbent's own witness.)

A. I am not positive, no more than judging of them.

Q. Who?—A. The Republicans.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Smith:

Q. You were subpœnaed to produce your tax-receipt and naturalization-papers; have you produced them?—A. No, sir; I have not.

(Mr. Nash, on behalf of incumbent, objected to the question as not cross-examination.)

Q. What do you say; were you subpœnaed to produce them?—A. I suppose I was.

Q. Have you your subpœna with you?—A. No; I do not believe I have my subpœna.

Q. You have the papers and tax-receipts with you, have you not?—A. I have my papers and tax-receipts with me; yes, sir.

Q. Did you vote at the last election?—A. Yes, sir.

Q. Tell us for whom you voted for Congress at the last November election.—A. I will, sir; I voted for Colonel Nutting; that is who I voted for.

Redirect-examination by Mr. Nash:

Q. When did you come to this country?—A. I came to this country in May, 1863.

Q. How old were you when you came to this country?—A. Under eighteen.

Q. You came to the country in 1863?—A. Yes, sir.

(Mr. Nash, on behalf of incumbent, offered in evidence the paper of Philip Devitt, to which Patrick Morrison is a witness, issued out of the court of common pleas of Schuylkill County, dated October, 1866, with the seal of the court, and signed by Joseph M. Fager, prothonotary, known as a minor paper.)

Recross-examination by Mr. Smith:

Q. How old are you now, Mr. Devitt?—A. I am going on thirty, I guess.

Q. Were you not five years in the country when you took out this paper?—A. Yes, sir; not five years when I got my paper.

Q. How long were you in the country?—A. Something over three years, I guess.

Q. Had the war commenced when you came here?—A. Yes, sir.

Q. Where does Patrick Morrison live?—A. Dead and buried now these two months; Squire Morrison.

Q. You live in Shenandoah here, do you?—A. Yes, sir.

Q. He was a squire?—A. Yes, sir.

Q. Were you ever in the service as a soldier?—A. Yes, sir.

Redirect examination by Mr. Campbell:

Q. What ward did you vote in?—A. In the fifth ward.

Recross-examination by Mr. Smith:

Q. Is there another Philip Devitt in the fifth ward?—A. No, sir.

Redirect examination by Mr. Campbell:

Q. Would you have voted for Nutting if this money had not been paid to you by Martin Monaghan?

(Mr. Brumm, on behalf of contestant, objected.)

A. If there is not a cent of money in America I would choose my man myself.

Q. Would you have voted for Colonel Nutting had not this arrangement been made with Michael Monaghan?

(Mr. Brumm, on behalf of contestant, objected to the question, as the intentions of witnesses at any time cannot be evidence, especially if there is any amount of time elapsing between the formation of that intention and the transaction as stated in the question, and then other time elapsed between a transaction and the election itself, in which said intention may have been changed.)

A. I would have voted for Nutting anyhow, because money could not alter me on election. I had money offered to me on the other side too.

PHILIP DEVITT.

Sworn and subscribed before me this 6th day of March, 1877.

JAMES HUTTON,
Notary Public.

Examination adjourned at 7 p. m. until 9 a. m.

WEDNESDAY, *March* 7, 1877.

Morning session. Counsel for respective parties present. Examination resumed at 9 a. m.

MICHAEL CUFF, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of Michael Cuff, there being no legal notice of his examination; this is to apply to all cases of witnesses heretofore examined and to be examined whose place of residence has not been set out in the notice given contestant's counsel at this examination.)

Question. Where do you live?—Answer. In Ashland.

Q. In what ward?—A. In the fourth ward.

Q. Did you live and vote there at the November election, 1876?—A. Did I vote?

Q. Did you live and vote there at the last November election?—A.

Yes, I voted; I aiut no scholar, but I voted at the election here for the last many a year.

Q. Do you know of your own knowledge of the payment of any money to corruptly influence voters in favor of the Republican party or James L. Nutting?

(Mr. Brumm, on behalf of contestant, objected to the question, except so far as it relates to parties to this issue, and as to them, until it is shown that, if any money was used, it was used with their knowledge or consent, and therefore is premature.)

A. I don't know anything. I said I got $10 myself from Mike Monaghan. It was not for my vote I got it though, I said.

Q. What did you get it for?—A. Why, he told me that it was for my day's wages, and that is all, and I intended to do what he told me. He gave it to me.

Q. Mike Monaghan?—A. Yes, sir; he gave me $10, and told me that it was for my day's wages.

Q. For whom was Martin Monaghan working?

(Mr. Brumm, on behalf of contestant, objected, that Mike Moneghan is living, and is the best evidence.)

A. I don't know rightly; that is more than I can tell rightly. I suppose——

Q. Well, don't you know for what party he was working?

(Mr. Brumm, on behalf of contestant, objected that it is cross-examination of incumbent's own witness.)

A. To the best of my knowledge, he was working for Nutting, I suppose.

Q. Had you any conversation with Michael Monaghan before the time he paid you the $10 for this work?

(Mr. Brumm, on behalf of contestant, objected that conversations not relevant to this issue, not brought home to said parties or either of them, cannot affect this issue.)

A. No, sir; not until the morning of election. He told me he would give me the $10, and I took them.

Q. Told you he would give you the $10?—A. Yes, sir.

Q. Did he tell you at that time, or about that time, who were his candidates?

(Mr. Brumm, on behalf of contestant, objected that it is leading, cross-examination of incumbent's own witness, and same objections as before.)

A. I don't remember that he told me anything except he was going for this man Cooper for President. I am telling you as he told me.

Q. Did he pay you the $10?—A. Yes, sir; he paid me the $10.

Q. In what ward does Michael Monaghan live?—A. In the fifth.

Q. Was this the morning of election?—A. Yes, sir.

Q. Where was it at?—A. Well, I met him on the road there forninst where they had the election. I live right close to him; right across the street from him.

Q. Try and recollect whether you had any conversation with Mike Monaghan on politics before this time?

(Mr. Brumm, on behalf of contestant, objected that conversation not to this issue, not brought home to said parties or either of them, cannot affect this issue.)

A. No, sir; I have not. I had no conversation with him no more than the morning of election.

Q. Any time during the campaign?—A. No, sir; not to my recollection.

Q. Then Mike Monaghan had not asked you to stay home before this morning of election?—A. No, sir; he didn't. He never asked me.

Q. What time in the day was this?—A. I couldn't exactly tell, it was early in the morning.

Q. About what time?—A. About 8 or 9 o'clock, I think.

Q. Then you were going to work that day?—A. No; I was not.

Q. In what party had you been voting before the last election; I don't mean at the last election, but before?

(Mr. Brumm, on behalf of contestant, objected to the question as impertinent, irrelevant, and immaterial.)

A. Well, I don't exactly know what I voted any time—sometimes I voted with the Democrats and sometimes with the Republicans; just as I saw fit—as far as the people would tell me.

Q. Were you a Democrat or Republican in politics?—A. I don't know what my politics is exactly; I never had but very little trouble from them.

Q. Were you a Democrat or Republican in politics before the last election?

(Mr. Brumm, on behalf of contestant, objected that it is cross-examination of the incumbent's own witness.)

A. Well, I was a Democrat, except if I would see a good friend of mine that would want me to vote for him, I would vote for him.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. You didn't sell your vote at the last election?—A. No, sir; that was what he told me was for my day's wages and I could do as I pleased with it—I got it.

Q. He didn't tell you that you were to vote for any man for Congress, especially, did he?—A. No, sir.

Redirect examination by Mr. Nash:

Q. Tell us whether or not you make ten dollars a day at your work?—

(Mr. Brumm, on behalf of contestant, objected, and requested the notary to instruct the witness as to his rights in answering questions that have nothing to do with the issue at all, but touch witness's private affairs.)

A. No, sir; I don't make ten dollars a day.

Q. About how much?—A. About the same time that the election was? I have made from six to seven dollars a day, sometimes.

Q. About election time?—About two dollars a day, to the best of my knowledge; that is about what we would do.

Q. What did you understand this payment was for when he gave you this money for your day's work?—A. I suppose it was that I would be going for Nutting. It was for nothing else, I suppose. I don't know—that is the knowledge you would take of it too, if you was me.

Q. Did you go for Nutting?

(Mr. Brumm, on behalf of contestant objected, and requested notary to instruct witness as to his rights in answering questions as to his votes before he has been proven an illegal voter.)

Q. Yes, sir.

Recross-examination by Mr. Brumm:

Q. Mr. Cuff, you swore a while ago that all that Monaghan said to you when he gave you those ten dollars, was that he was going for the man that run against the other two presidents—that is Cooper?—A. No, sir; I didn't say that, sir. I said that, sir. I said that he was going for Cooper, as far as I understood.

Q. When did he tell you that?—A. Well, he told me many times through the day that he was going for Cooper.

Q. Then you also swore that you didn't sell your vote for $10?—A. Yes; I did. I said that he told me it was for me. That is what he said: "This is for you"; that is what he said, and I say that now, and I am telling you as he told me.

Q. You swear that he didn't say any anything to you about Nutting?—A. No; he didn't tell me to vote for him.

Q. Then, how do you know, or what makes you think that these $10 were given to you to vote for Nutting?—A. I only think so. I said, I supposed, may be it was, and that is what I said. I don't want to swear a lie for either one or the other.

Q. Well, receiving this $10 did not influence your vote for either Nutting or Reilly, did it?

(Witness hesitates.)

Q. Receiving the $10, there being nothing said about Congressmen at all, didn't influence your vote for Congressman, did it?—A. I was going to vote for Nutting in the matter, any how.

NOTARY.—Why didn't you answer?—A. Because I didn't understand the question. I couldn't tell exactly what the papers was I voted.

Q. Your mind was made up to vote for Nutting any how?—A. Yes, sir; it was since I heard that they were to hold them offices.

By Mr. Campbell:

Q. Have you your tax-receipts? (Produces them.)

Q. Did you vote for Nutting for Congress?

(Mr. Brumm, on behalf of contestant, objects that it is cross-examination of incumbent's own witness, and a question he has no right to ask, as the witness has not been proven an illegal voter.)

A. Yes, to the best of my knowledge I did.

Q. You had your mind made up before to vote for Nutting. How long before?—A. I don't remember; since I heard they were out.

Q. Can you tell us how long before the election?—A. No; I have no reason for it; it is not on account of the $10 that I voted agin Reilly; it was not for the money, nor dollars couldn't buy me, neither.

Q. Hadn't you said you voted for Reilly, after the election, and hadn't you said you would vote for him close up to the election?

(Mr. Brumm, on behalf of contestant, objected to the question as leading, suggestive of the answer, cross-examination of incumbent's own witness, and an attempt to contradict his own witness.)

A. I suppose I could say what I liked.

Q. Hadn't you said so?—A. I don't know whether I did or not. I might for all I know.

Q. Where were you born?—A. I was born in Ireland.

Q. When were you born?—A. I never kept any date of it.

Q. Answer the question as near as you can get to it?—A. As near as I can get to it? As far as I can go to it, I suppose I am thirty-two or thirty-three years of age now.

Q. Do you know when you came to this country?—A. I don't know. I am no scholar. I am out here in this country between fourteen or fifteen years.

Q. Where did you first come to when you first came to this country?—A. I came to New York.

Q. How long did you remain there?—A. About two years; I don't know exactly how much it was now.

Q. How long were you in New York?

(Mr. Brumm, on behalf of contestant, objects to all questions in relation to naturalization-papers or citizenship-paper, and that it is cross-examination of incumbent's own witness, irrelevant, and immaterial.)

Q. How long did you remain there?—A. I don't know rightly. I was not very long.

Q. How long were you in New York?—A. I couldn't exactly tell. I came to Schuylkill County the fall after I landed.

Q. To what place did you come?—A. To Conner's Patch.

Q. In what township?—A. I don't know what township you call it; in Schuylkill County.

Q. In what year was that?—A. I don't know.

Q. Was it after or before the war?—A. The war was going on when I came here.

Q. Do you know about what time the war was?—A. No; I don't know.

Q. In 1868, you swear that you were twenty-five years old; was that correct? In this paper you swear that you were twenty-five years old, and this paper was granted on the 25th October, 1868; were you twenty-five years old at that time?—A. How much?

Q. Twenty-five. In 1868, you swear that you were twenty-five years old; is that correct?—A. I don't understand you half the time. You couldn't get me to be swearing lies at all.

Q. Did you get these papers out of the court of common pleas at Pottsville?—A. Yes, sir.

Q. I will read the oath which you took on the 12th October, 1868, in the court of common pleas at Pottsville.

(Mr. Brumm, on behalf of contestant, objected to the reading of anything from any paper in the hands of counsel for incumbent to his own witness, and especially as counsel for incumbent is attempting to contradict his own witness; further objects that it is cross-examination of his own witness, and asking witness questions suggestive of the answers.)

Q. (Reads minority paper:)

"PENNSYLVANIA, *Schuylkill County, ss:*

"Be it remembered that at a court of common pleas, held at Pottsville, in and for the county of Schuylkill, the 12th day of October, in the year of our Lord 1868, personally appeared Michael Cuff before the said court, who, upon his solemn oath, doth depose and say that he is a native of Ireland, now residing in Schuylkill County, aged twenty-five years, or thereabouts" (said words "twenty-five" being written in a blank space).

Mr. Cuff, you swore to that in Pottsville; was it true at the time you swore to it?—A. The paper is there; you go and find out yourself.

Q. You swore to that in Pottsville; was it true at the time you swore to it?

(Mr. Brumm, on behalf of contestant, objected that the record is the best evidence; and as the witness has refused to answer, it is an attempt to contradict the record or himself. He being their witness, they have no right to insist upon such answer.)

Q. I told you before I am between fourteen and fifteen years out here, and I don't know how long I have had them papers. That is as far as I can tell you, and I won't answer any more, and I won't tell you, either one of your.

The COMMISSIONER. If you knew that you were twenty-five years old, why don't you state that now?

A. I couldn't say up to the day exactly, because I have no day or date for it. I couldn't exactly say so. Many a thing a man will do——

Q. You swore in court in Pottsville, when you got this paper out, that you were here three years next preceding the arrival at the age of twenty-one years. Did you know that to be true at the time?

(Mr. Brumm, on behalf of contestant, objected to the question, as the record is in the possession of counsel for incumbent, and not offered in evidence. It being the best evidence, he cannot presume to contradict the record by his own witness, especially in this manner on cross-examination.)

By Mr. Nash:

Q. Was that true, or did you know it to be true at that time?—A. Yes; to the best of my knowledge it was true.

Q. "Your petitioner was a free-born person, an alien, and was desirous of becoming a citizen of America, and that he has resided in the United States three years next preceding his arrival at the age of twenty-one years, and has continued to reside therein until this time." What does that mean?—A. Are you asking whether I was twenty-one or twenty-five years when I got the paper?" I don't know what you are asking me.

Q. That "your petitioner was a free-born person, an alien, and desirous of becoming a citizen of America, and that he has resided in the United States three years next preceding his arrival at the age of twenty-one years, and has continued to reside therein until this time." What does that mean?—A. I can only guess it; indeed, I don't rightly understand you at all; no, sir; I do not.

Q. How old were you when you came to the country?—A. Between seventeen and eighteen. I don't know exactly to the date.

Q. What year did you come here?—A. I couldn't tell; but I am out between fourteen and fifteen years, as near as I can get at it.

Q. Have you lived in Schuylkill County ever since you came here, except while you were at New York?—A. Most of the time down here.

Q. Who was James Knox, your witness?—A. He lived over there. You knew him as well as I did.

Q. Do you know where he lived?—A. No, sir; I did not know where he lived.

Q. At the time you got this paper?—A. I didn't; no, sir.

Q. Where did you become acquainted with him?—A. I met him a couple of times in Pottsville.

Q. When?—A. I can't recollect now altogether; but I seen him there.

Q. At the court-house?—A. No; I didn't see him at the court-house.

Q. Where, then?—A. I can't tell you.

Q. Was it at a tavern or hotel?—A. I don't know; it was where there was whisky selling anyhow.

Q. Was it at Pete Wool's?—A. I seen him in Pete Wool's. You might go and ask Knox himself; he might tell you.

Q. Was it when you went down to get your papers that you became acquainted with him?

(Mr. Brumm, on behalf of contestant, objected to the question as cross-examination of incumbent's own witness, suggestive of the answer, and tending to contradict him.)

A. Yes; it was; and I don't know how long he is acquainted with me before that; I couldn't tell.

Q. How long had you been in the country before you got your papers?—A. Five or six years; I don't know exactly; that is as near as I can get it.

Q. Did you ever know James Knox up in Mahanoy Valley?—A. He might be up there, but I don't know. I know this man a long time, but——

Q. Was it at Pete Wool's that you first became acquainted with Knox? (Mr. Brumm, on behalf of contestant, objected.)

A. I met him at Pottsville.

Q. Was he not an old man?—A. He was indeed.

Q. Don't you know that he came from the poor-house there?—A. No, I don't.

Q. Don't you know that he lived in the poor-house at Mount Laffee, and came from the poor-house?—A. No; I don't.

Q. Don't you know that he was brought from the poor-house up to Pete Wool's?—A. I don't know whether there is any poor-house in Pottsville or not.

Q. You know there is a poor-house down at Schuylkill Haven?—A. I heard there was.

Q. Don't you know that he came from there?—A. I don't know, indeed.

Q. Tell us how long, exactly, you were in the country at the time you got this paper.—A. I told you that before, and I won't answer again. I answered that question once, and I won't do it again.

(Mr. Nash, on behalf of incumbent, offered in evidence certified copy of the paper of Michael Cuff, issued out of the court of common pleas of Schuylkill County, with James Knox as witness, commonly called a minor paper, dated October 12, 1868, with the seal of the court, signed by Thomas J. McComant, prothonotary).

(No cross-examination.)

his
MICHAEL + CUFF.
mark.

Sworn and subscribed before me this 7th day of March, 1877.

JAMES HUTTON,
Notary Public.

CHARLES STEVENS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In Shenandoah.

(Mr. Brumm, on behalf of contestant, objected on account of insufficiency of notice).

Q. What ward do you vote in?—A. I live in the first ward.

Q. What ward did you vote in?—A. I didn't vote.

Q. At the November election?—A. I did not vote.

Q. At the November election?—A. I didn't vote.

Q. Is there another Charles Stevens in your ward?—A. I think not.

Q. I mean at the Presidential election of 1876?—A. Never in this county.

Q. Are you subpœnaed?—A. Yes, sir.

C. A. STEVENS.

Sworn and subscribed before me this 7th day of March, 1877.

JAMES HUTTON,
Notary Public.

GEORGE WILLMAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. On Coal street.

Q. Where?—A. In the first ward.
Q. Of what?—A. Of Shenandoah.
Q. You voted at the last November election in that ward?—A. Yes, sir.
Q. Where were you born?—A. Berks County, Amity Township.
Q. How long did you live in the first ward in Shenandoah?—A. I have lived there I think it will be six years in July, to the best of my knowledge; six years in July.
Q. You have not moved therefrom during that time?—A. No, sir.
(No cross-examination.)

GEORGE WILLMAN.

Sworn and subscribed before me this 7th day of March, 1877.

JAMES HUTTON,
Notary Public.

HENRY D. LEWIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected on account of insufficiency of notice.)

Question. Where do you live?—Answer. I live in the Thomas Coal Company's houses.
Q. That is in the row in which Jonathan Wasley and others live?—Yes.
Q. How long have you lived there?—A. I moved there on the 23d of August, to the best of my memory.
Q. Have you lived in that row continuously since that time?—A. Yes, sir.
Q. Where did you vote at the last election?—A. In the first ward of Shenandoah.
Q. When did you come to this country?—A. I came here in—I am not positive of the day of the month—I think the 2d of February, 1863.
Q. Where did you come from to Shenandoah?—A. No; to Pottsville. If your memory is well you ought to remember it.
Q. Did you come to Fishback?—A. Yes, sir.
Q. Did you live in Carbon County?—A. Yes, sir.
Q. After moving from Pottsville?—A. Yes, sir; I moved to Ashland.
Q. For whom did you vote for Congress at the last fall election of 1876?

(Mr. Brumm, on behalf of contestant, objected, as witness has not been shown to be an illegal voter, and has no effect upon this issue.

The counsel for contestant here requested the commissioner to instruct the witness that he has no need to divulge the secrets of the ballot, unless he is shown to be an illegal or disqualified voter; that if it is evidence at all, the ballot is the best evidence.

Commissioner refused to instruct witness.)

A. Well, I might as well tell—for Nutting.
Q. If the line of the borough runs this side of the Thomas Coal Company's houses, in what district would you be?—A. How is that?
Q. If the line of the borough was this side of the Thomas Coal Company's houses, in what place would you be?

(Mr. Brumm, on behalf of contestant, objected to this question as being hypothetical, and an assertion that is not true in fact, and, being their own witness, in the nature of cross-examination.)

A. It is according to how the agreement is. What I understood they

agreed to is that the borough agrees to receive us in here, and therefore I consider that I am in the borough according to the contract made; that is, that I have a right to vote in the borough.

Q. To what contract do you refer?—A. I understand that there is a contract between those houses and the borough that they should pay tax into the borough.

(Mr. Brumm, on behalf of contestant, objected.)

Q. Tell us whether or not that applies only to the school matters?—A. It applies, as far as I understood, to all privileges in the borough. Voting is——

Q. Do you know where the line ran?

(Mr. Brumm, on behalf of contestant, objected.)

A. Before this agreement was made? Not exactly; I don't—to the best of my knowledge it is this side of the company's houses a little.

Q. And if the line were there now, tell us whether or not you would be in the borough.

(Mr. Brumm, on behalf of contestant, objected.)

A. As I told you before, that, according to the agreement, we are under the control of the borough entirely.

Q. Suppose the line ran where you supposed it to run before this agreement was made, would that put you into the township or into the borough?—A. It would if the agreement was made.

Q. It would, where?—A. If the agreement was not made it would put me into the township.

Q. What number house do you live in in that row?—A. It is number nine in that row.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm.

Q. Have you paid any borough tax in the borough of Shenandoah?—A. Yes, sir.

Q. Have you got any of your borough-tax receipts with you?—A. I think I have; yes, sir. (Produces tax-receipts.)

(Mr. Brumm, on behalf of contestant, offered in evidence tax-receipt of Henry D. Lewis, as follows:)

"SHENANDOAH, PA., *December* 16, 1876.

"Received of Henry D. Lewis ninety-eight cents in full for borough tax for the year 1876.

"DANIEL ELLIS, *Collector*."

(Marked Exhibit C.)

(Mr. Nash, on behalf of incumbent, objected.)

Q. You live in the borough of Shenandoah, do you not?—A. I understand that I do.

Q. You live in the first ward of Shenandoah?—A. Yes, sir; that is, through the contract that was made.

Q. You have been recognized by the tax collector and assessors of that ward—that is of the first ward—ever since you have lived there, have you not?—A. Yes, sir.

Q. Did you vote at the last borough election?—A. Yes, sir.

Q. They were voting for town council at that time—at that election?—A. Yes, sir.

Q. Chief burgess, constable, and general borough officers?—A. Yes, sir.

Q. Were you ever challenged at any borough election since you lived

in the first ward on account of not being a resident of the borough of Shenandoah?—A. No, sir.

(Mr. Nash, on behalf of incumbent, objected to the question as irrelevant and immaterial.)

Q. You never voted anywhere else but in the first ward of the borough of Shenandoah since you lived in house number nine of that row, did you?—A. No, sir.

Q. You were never assessed by any other officer than that of Shenandoah since you lived there, were you?—A. I can't understand that.

Q. You were never assessed for the payment of taxes?—A. No, sir.

Q. You were never asked for the payment of taxes except by the tax-collector of Shenandoah since you lived there?—A. No, sir.

Redirect-examination by Mr. Nash:

Q. Did you ever vote at all in the first ward before the last November election?—A. No, sir.

Recross-examination by Mr. Brumm:

Q. Did you live long enough in the first ward of Shenandoah before last November election to vote at any other election but that?—A. No, sir.

H. D. LEWIS.

Sworn and subscribed before me this 7th day of March, 1877.

JAMES HUTTON,
Notary Public.

Peter Monaghan, recalled on behalf of incumbent, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected on account of insufficiency of notice.)

Question. Where do you live?—Answer. Third ward, Shenandoah.

Q. Do you know of the use of any money to influence voters at the last November election in favor of Colonel Nutting or the Republican ticket?

(Mr. Brumm, on behalf of contestant, objected.)

A. Not for that purpose. I didn't have no use of money for that purpose.

Q. Tell us whether or not an offer was made of money or money given to you by persons working for the interest of the Republican party or any candidate thereof before the late election in 1876?

(Mr. Brumm, on behalf of contestant, objected to this question as impertinent to the issue, especially where it is not referred to the parties to this issue, and unless it is shown that the money was used for fraudulent or illegal purposes the question should not be asked.)

A. Yes; I received five dollars, but I didn't take that for election, though.

Q. From whom?

(Mr. Brumm, on behalf of contestant, objected to the question unless it was received from Mr. Nutting or Mr. Reilly, or with their knowledge and consent, and that the question is impertinent and illegal.)

A. Mike Monaghan. I have often got money from him for the purpose of paying it back again.

Q. Tell us whether any agreement was made to pay this back again at the time you received it.

(Mr. Brumm, on behalf of contestant, objected, it not being shown that

money was given illegally, and the witness cannot be asked any questions touching his private affairs.)

A. Yes; I told him I would pay it back as soon as I would earn something more to pay it back.

Q. When did you receive it—what time on election-day?—A. No, sir; it was not on election-day.

Q. Before it?—A. Yes, sir.

Q. How long?—A. I couldn't say right——

(Mr. Brumm, on behalf of contestant, objected.)

Three or four days before it.

Q. Tell us whether or not Michael Monaghan talked politics with you in relation to the party whom he was supporting?

(Mr. Brumm, on behalf of contestant, objected to the question as immaterial, and that the witness need not answer.)

A. I don't think I ever met two but what was talking politics; certainly we spoke about politics, I am sure.

Q. Tell us whether Michael Monaghan didn't ask you to vote for Nutting?

(Mr. Brumm, on behalf of contestant, objected to the question as leading and cross-examination of incumbent's own witness.)

A. No; he didn't.

Q. What did you understand this five dollars was for?

(Mr. Brumm, on behalf of contestant, objected that the understanding of witnesses cannot be evidence; facts only can be shown.)

Q. Why, we understood the use of that five dollars was for my family use.

Q. Tell us if you understood why he gave it to you?

(Mr. Brumm, on behalf of contestant, objected to any questions affecting witness's private rights, that he need not answer, and it cannot be evidence).

A. Because I was short of money.

Q. Tell us whether or not you asked him for it?—A. Certainly I asked him for it.

Q. Now, tell us whether or not Michael Monaghan didn't ask you to stand at the polls the day of election?

(Mr. Brumm, on behalf of contestant, objected, it being a question that witness need not answer, and an illegal one.)

A. Mike Monaghan never asked me.

Q. Tell us whether or not any person ever asked you on behalf of the Republican party?

(Mr. Brumm, on behalf of contestant, objected, it being a question that witness need not answer, and an illegal one.)

A. Both parties asked me several times to stand at the polls.

Q. Who asked you on behalf of the Republican party?

(Mr. Brumm, on behalf of contestant, objected.)

A. Martin Monaghan asked me.

Q. What relation is Martin Monaghan to Michael?

(Mr. Brumm, on behalf of contestant, objected.)

A. No, I can't tell that.

Q. Is not he a relative?—A. I don't know how near or how far.

Q. Isn't he a relative?—A. Martin's cousin is married to Michael Monaghan; that is all I know about it.

Q. Tell us whether or not Martin Monaghan offered you money or any other consideration to stand at the polls that day.

(Mr. Brumm, on behalf of contestant, objected.)

Q. Do you know for what party Michael Monaghan was working?

(Mr. Brumm, on behalf of contestant, objected.)

A. I never asked him much.

Q. Did you ever ask him any?—A. No; I never did much.

Q. Did he ever tell you what party?—A. That is all he told me, that he was against Reilly, and was against him for Congress.

Q. Tell us whether or not you know for what party Michael was working?

(Mr. Brumm, on behalf of contestant, objected.)

A. I ain't bothered with him; a man would vote for whom he likes.

Q. Do you know from what he told you for what party he was working; do you know from what Michael told you what party he worked for?

(Mr. Brumm, on behalf of contestant, objected. Monaghan is living, and subpœnaed in this case, and his evidence is the best and only evidence upon that subject.)

A. No; that is actually the truth. I couldn't tell for what party he worked; for he is a man that does his work in his own mind.

Q. Did he tell you for what party he was working?

(Mr. Brumm, on behalf of contestant, objected to the question as cross-examination of incumbent's own witness, and tends to contradict him.)

A. I could never find out for whom he was working.

Q. Tell us whether or not he ever told you.—A. He would work for the best man.

Q. Didn't he tell you he was working for Nutting?

(Mr. Brumm, on behalf of contestant, objected to the question as leading, and cross-examination of incumbent's own witness, and suggestive of the answer, and attempting to contradict him.)

Q. Tell us whether or not you did stand at the polls that day.

(Mr. Brumm, on behalf of contestant, objected.)

A. Me? I believe I was fifteen or twenty minutes there.

Q. Were you there with Michael Monaghan?—A. No; I never bothered with Michael.

Q. Hadn't you been, before the last election, a Democrat?

(Mr. Brumm, on behalf of contestant, objected.)

A. Everything that suited myself. I didn't care for any man on either side.

Q. That is not an answer to my question. Tell us whether or not you were a Democrat.—A. No. I split it before last election the same way.

Q. Tell us whether or not you would have voted the same way you did if you had not got this money from Michael Monaghan.

(Mr. Brumm, on behalf of incumbent, objected to this question; first, because it is hypothetical and has nothing to do with this case; secondly, it is one so ridiculous as not to admit of a sensible answer; and illegal.)

A. Certainly I would vote as I did if I never seen a cent of money.

Q. From whom did you get your ticket?

(Mr. Brumm, on behalf of incumbent, objected.)

A. I believe I got them down in the third ward.

Q. From whom, not where?—A. I found some of them laying in a few of the taverns down there. I found plenty of tickets laying around there. I got the ticket I voted on the counter down here at the United States Hotel, where they held the polls.

Q. Now tell us for whom you voted for Congress at the last fall election of 1876?

(Mr. Brumm, on behalf of contestant, objected to the question, that the witness has not been proven an illegal voter or disqualified, and need not answer the question, and, therefore, it cannot be evidence.

Counsel for contestant then requested notary to instruct the witness as to his rights.

Notary declined to instruct witness.)

A. That is more than I ever told any person yet, whom I voted for. I voted for Nutting.

Q. Where were you born?—A. In Ireland.

Q. Have you got your naturalization-papers?—A. I have got a discharge; that is all the papers I have got.

Q. How old are you?—A. I am about thirty-three years of age.

Q. When did you come to this country?—A. I heard my father say in 1847.

Q. How old were you then, do you know?—A. I can't say; I don't remember.

Q. When was your father naturalized?—A. I con't remember; I don't know how long he has been in the country.

Cross-examination, on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. Were you subpœnaed to bring your father's papers here?—A. I don't remember of being subpœnaed to bring his papers.

(Witness withdrawn for the present to be recalled for further examination.

Mr. Brumm on behalf of contestant, objected to his being recalled.

Mr. Brumm, on behalf of contestant, reserves all rights and exceptions as to relevancy of testimony heretofore given and to be given and competency of witnesses the same as though made in each specific case.)

DAVID PHILIP, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you reside?—Answer. In the second ward.

Q. Of what; Shenandoah?—A. Yes, sir.

Q. Tell us whether or not you voted there at the last election?—A. I did.

Q. Where were you born?—A. In Minersville.

Q. How long ago?—A. In 1837; the 7th day of September, 1837.

Q. Have you paid your taxes within two years?—A. Yes, sir.

Q. Can you produce your receipts?—A. I can. (Producing receipts.)

Q. How long did you live in this ward prior to the last November election?—A. I have lived in—for the last year I have been living here. I was over at Gilberton for three years previous to the last year. I was a year here. I moved back here in December of last year; no, year before last, 1875.

Q. Have you lived there continuously since?—A. Yes, sir.

Cross examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. Were you subpœnaen to be here to-day?—A. Yes, sir.

(Produces subpœna to appear at the house of Charles Neumann, in Shenandoah, on Wednesday, March 7th, to testify in this Congressional contest.)

DAVID PHILLIP.

Sworn and subscribed before me this 7th day of March, 1877.

JAMES HUTTON,
Notary Public.

GEORGE KNOLL, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Bumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Q. Where do you live?—Down near the Lehigh depot, in the first ward.

Q. You voted in the first ward at the last November election; did you live there?—A. I don't understand you.

Q. Did you live there last November when the President was voted for?—A. Yes; I lived there for three years.

Q. When did you come to the country?—A. In 1864.

Q. Did you ever go back to the old country?—A. No.

(Tax-receipts examined.)

(No cross-examiuation.)

GEORGE KNOLL.

Sworn and subscribed before me this 7th day of March, 1877.

JAMES HUTTON,
Notary Public.

RICHARD HORRELL, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live and vote?—Answer. I live between Main street and White street. I voted at Tobin's.

Q. What ward is Tobin's in?—A. The first ward.

Q. Which side of White street are you on?—A. This side.

Q. Does this street run north and south?—A. East and west.

Q. Does it run parallel with Main street or at right angles?—A. Parallel with Main street.

Q. Now, on which side of that street do you live?—A. On the right-hand side going down towards the Lehigh depot; on the south side of Center street.

Q. You live in Thomas Evans's house?—A. Yes, sir.

Q. Then you live on the southwest corner of Center and White streets?—A. Yes, sir.

Q. You voted in what ward?—A. In the first ward.

Q. You voted at Tobin's?—A. Yes, sir.

Q. That is in what ward?—A. In the first ward.

Q. Who are your neighbors?—A. Lon Pritchard——

Q. Do you know where he voted?—A. I couldn't say whether he voted in the first or second ward.

Q. Did you know where the lines of the first and second wards ran?

A. I didn't at that time.

Q. Do you know now?—A. Yes, sir.

Q. As the lines of the second ward are now, which are you in?—A. The second ward.

Q. And lived there at the time of election in 1876?—A. Yes, sir.

Q. But voted in the first?—A. In the first.

Q. That was through an honest mistake of yours, was it not?—A. Not of my own, for I was told that the ward run up as far as the alley.

Q. That is the alley that is back of the Ayen property. As you found

out you made a mistake in your voting-place, tell us for whom you voted for Congress at the last fall election?—A. I voted for Mr. Reilly and B. J. Ferguson.

Q. Did you read your ticket?—A. I read some of the names.

Q. Tell us whether or not you read these names on the ticket?—A. I read J. B. Ferguson and Mr. Reilly's name.

Q. What was Reilly on the ticket for?—A. For Congress, I think.

Q. From whom did you get it?—A. George Tobin.

RICHARD HORRELL.

Sworn and subscribed before me this 7th day of March, 1877.

JAMES HUTTON,
Notary Public.

HUGH PRITCHARD, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. In Center street.

Q. Tell us whether or not you live near Robert Horrell?—A. He boards with me.

Q. He is a single man and you are a married, a man of family?—A. Yes, sir.

Q. Where did you vote at the last November election of 1876?—A. In the second ward.

Q. In the same ward that Horrell voted?—A. I don't know. I didn't know he voted at all until he got this subpœna.

Q. When did you come to this country?—A. I arrived in New York July 23, 1871, and landed July 24, 1871.

Q. You were subpœnaed to bring your naturalization-papers and tax-receipts.

(Papers produced.)

Q. Where were you born?—A. In Wales—North Wales, in Holly-head.

Q. You got this paper on the 3d October, 1876?—A. Yes, sir.

Q. Tell us whether or not you ever got another paper before that time?—A. I got one March 2, 1874.

Q. How long did you live in this ward before the late election of 1876?—A. I moved up there the 3d of June, because I know my rent is due every month on the 3d.

Q. How long were you in this country before you got your papers?—A. Over three years before I got the first one.

(No cross-examination.)

HUGH PRITCHARD.

Sworn and subscribed before me this 7th day of March, 1877.

JAMES HUTTON,
Notary Public.

Peter Monoghan recalled on behalf of incumbent for further examination.

Direct examination by Mr. Nash:

(Discharge produced.)

Question. Do you know who was the first witness on your father's paper?—Answer. No, sir; I do not.

Q. Your father's name was Bryan Monaghan?—A. Yes, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. You know that you were under age when your father became naturalized?—A. Yes, sir.

Redirect examination by Mr. Nash:

Q. How do you know it?—A. Because I saw the old man voting on his papers, and I seen the old fellow having to show his papers in Ashland about twelve years ago.

Q. Did you receive from any other person any money in relation to the last election?—A. No.

PETER MONAGHAN.

Sworn and subscribed before me this 7th day of March, 1877.

JAMES HUTTON,
Notary Public.

Adjourned at 12 o'clock until 1.30 p. m.

WEDNESDAY, *March* 7, 1877.

Afternoon session. Examination resumed at 1.30 p. m. Counsel for respective parties both present. —— Hollopeter, esq., appeared with counsel for incumbent.

WATKIN WATERS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. I live here with my grandson.

Q. Did you vote at the last November election?—A. Yes, sir.

Q. In what ward?—A. The lower ward, at Mr. Tobin's.

Q. Whereabouts do you live—what part of the town?—A. On Lloyd street.

Q. And you voted there?—A. Yes, sir.

Q. Where were you born?—A. Wales—South Wales.

Q. When did you come to the country?—A. I came to Pottsville in 1833, 44 years now; I was a long time in the country before I took that paper.

Q. Did you go back to the old country since you came here?—A. No; I never went; I never paid no tax for ten years.

Q. This is your naturalization-paper?—A. Yes, sir; my citizen-papers; Watkin Waters, you can see him there, and I never got beyond Schuylkill County since.

Q. You have not paid any taxes for ten years past?—A. They gave me free; my name is on the court up there; I am 88 years old now, and the man coming around said nobody dare not ask me for taxes.

Cross-examination on behalf of incumbent (reserving all exceptions and objections) by Mr. Brumm:

Q. Mr. Waters, let me see your tax-receipts.—A. I have none.

Q. Did you ever pay any taxes since you lived in Shenandoah?—A. Yes, sir.

Q. When did you pay them?—A. About ten years ago. The man coming around there—they said he was under the government, and he told me I have no taxes to pay, I am too old, and he put my name in

the court, and he said nobody dare not ask me for taxes. I had property.

Q. Did you vote at the last Presidential election of 1876?—A. I voted to reform, sir. That old man in New York I voted for.

Q. That was Peter Cooper?—A. I want a reform to come to this country.

Q. Did you vote for anybody else but for President?—A. Well, I can't tell what ticket they gave me. I am no scholar, and they asked if I am a Republican, and I said "yes," and my boy says "It is right."

Redirect examination by Mr. Nash:

Q. You voted the full Republican ticket?—A. Yes, sir.

Q. Who is your grandson that gave you the ticket? Was it Thomas C. Waters that gave you your ticket?—A. No, sir; I don't know——

Q. Your grandson looked at it; what is his name?—A. Thomas C. Waters; and he is a Republican. I can't read nor write. I never went a day to school in my life.

Q. Who was on it for Congress?

(Mr. Brumm, on behalf of contestant, objected to this question upon the ground that the ballot is the best evidence.)

A. I can't tell you. I am right for the country.

Re-cross examination by Mr. Brumm:

Q. Did anybody else pay taxes for you within the last two or three years?—A. No, sir; not for me.

Q. No person paid for you that you know of?—A. No, sir.

Q. Did you have your ticket read off?—A. Yes, sir; I took it right straight.

Q. Did you hear Reilly's name was on it?—A. No, sir.

Q. Did you hear Colihan's name?—A. No, sir; I asked my boy if it was the right Republican ticket. He looked at it and said it was.

Q. Then you know only by what you heard others say?—A. I don't know what I voted only by what I heard others say.

Redirect examination by Mr. Campbell:

Q. You live in the first ward?—A. The first ward.

his
WATKIN + WATERS.
mark.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

THOMAS D. DAVIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected on account of insufficiency of notice.)

Question. Where do you live?—A. I live in Coal street—West Coal street.

Q. In what ward did you vote?—A. In the fifth ward.

Q. At the last fall election, I mean—the election of 1876?—A. Yes.

Q. You voted in the fifth ward?—A. Yes, sir.

Q. You are subpœnaed to produce your tax-receipts and citizen-papers. Have you got them with you?—A. Yes, sir. (Produces papers.)

Q. When did you come to this country?—A. In 1854, some time. I was landed on the 8th of June.

Q. The 8th of June, where?—A. In New York, in 1854.
Q. You came here in 1854?—A. Yes, sir.
Q. How long have you been living where you now live?—A. Three years, I think—somewhere thereabout.
Q. Been living in the one ward ever since you lived there?—A. Yes, sir.
Q. This is a tax receipt for 1874, and is to Thomas Davis?—A. Yes; they had my name put first for Thomas Davis, and I told them it was not right.
Q. Is there a Thomas Davis in that ward besides you?—A. Not that I know of.
Q. Is not there a Thomas Davis in Shenandoah?—A. Yes, sir.
Q. In what ward does he live?—A. There is one in this ward, right over here—the second ward.
Q. Those receipts were paid for by yourself, were they?—A. Yes, sir; they were.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. You paid these taxes yourself for that receipt in 1874, did you not?—A. Yes, sir.
Q. You also paid your taxes for the year 1875, did you not?—A. Yes, sir.
Q. State and county tax?—A. Yes, sir.

THOMAS D. DAVIS.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

DAVID P. DAVIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of no notice whatever being given.)

Question.—Where do you live—in Shenandoah?—Answer. Yes, sir.
Q. Did you vote at the last election?—A. I did not, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

By Mr. Brumm:

Q. Where is your subpœna, Mr. Davis? (Subpœna produced.) Is this the subpœna that was served on you?—A. Yes, sir; my tax is paid every year.

DAVID P. DAVIS.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

EMANUEL EISENHARDT called.

(Counsel for contestant objected to this witness being sworn at this time, as, per exhibit marked B, they were only notified of the intended examination of this witness yesterday, the 6th instant, and therefore have not had the two days' notice as required by act of Congress, and that instead of this appears the name of Emanuel Eisenhouser, of

East Mahanoy Township, and contestant has not been notified at all as to Emanuel Eisenhardt.)

The witness, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. At the Gap.

Q. At the Gap?—A. Yes, sir.

Q. Tell us whether you live in the row owned by the Thomas Coal Company.—A. Yes.

Q. And it is the row in which Jonathan Wasley and others live?—A. Yes, sir.

Q. How long did you live there?—A. It is going on two years.

Q. What is the number of the house in which you live?—A. I live in No. 8 house.

Q. Did you vote at the last election?—A. I did.

Q. In what ward?—A. In the second.

Q. The second ward of what; in Shenandoah?—A. Yes, sir.

Q. For whom did you vote for Congress at the last election?

(Mr. Brumm, on behalf of contestant, objected to the question because he has not been shown an illegal voter.)

A. I voted the Republican ticket.

Q. Who was on it for Congress?—A. Mr. Nutting, I believe.

Q. Can you read?—A. I can read a little; yes.

Q. Did you read your ticket?—A. Yes; I read it over.

Q. Can you tell us for certain who was on it for Congress?—A. Nutting was on it.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. You live in the second ward of the borough of Shenandoah, do you not?—A. I live in the second ward of the borough of Shenandoah.

Q. And that is the ward you voted in?—A. Yes, sir.

Q. How long have you lived there?—A. Going on two years.

Q. Have you voted in it at every election since you lived there?—A. Yes, sir.

Q. Were you ever challenged in this ward on the ground of non-residence since you lived in it?—A. I believe I was not that I recollect. I was challenged for my tax-receipts once.

Q. You voted at the last borough election this spring?—A. Yes, sir.

Q. At which the usual borough officers were voted for?—A. Yes, sir.

Q. You were assessed by the assessor of that ward, were you not?—A. I believe so.

Q. Was it ever assessed by the assessor of any other ward or township since you lived in that ward?—A. I don't know—not as I know of.

Q. You paid your taxes to the collector of that ward?—A. Yes, sir.

Q. Of the borough of Shenandoah, in that ward?—A. Yes, sir.

Q. You were never asked by any other tax-collector of any other ward, borough, or township for the payment of taxes since you lived in the second ward of this borough?—A. No, sir; I was not asked by any other collector except our own in the town here.

Q. Have you a borough tax-receipt with you?—A. I have, sir. (Tax-receipt produced.)

The witness shows the following tax-receipt:

"SHENANDOAH, SCHUYLKILL COUNTY, PENNSYLVANIA,
"*October* 9, 1875.

"Received of Emanuel Eisenhardt the sum of two dollars and twenty cents, in full for borough tax for the year 1875.

"ANTHONY DEVITT,
"*Collector.*

(Receipt marked Exhibit D.)

Q. This receipt was given to you for the payment of your borough tax the day it was due by Devitt, the tax-collector, and you paid him the tax?—A. Yes, sir.

Q. Have you any other tax-receipts?—A. Yes, sir.

(Witness produced several receipts for the payment of school taxes for the borough of Shenandoah, and another for borough taxes for the borough of Shenandoah.)

Redirect examination by Mr. Nash:

Q. Where were you born?—A. In the State of Pennsylvania.

Q. Don't you know there has been a dispute about the borough line up there?

(Mr. Brumm, on behalf of contestant, objected to the question as cross-examination of incumbent's own witness, and not the best evidence as to the borough line.)

A. Well, I don't.

Q. Never heard of it?—A. No, sir.

Q. What is the street called on which these houses are built?—A. It is called Gap street, as far as I know.

Q. Did you ever hear it called Line street?—A. No, sir.

Q. Did you ever see the map of Shenandoah?—A. I don't know; I might.

Q. Don't you know it is marked on the map as Line street?—A. No, sir; I don't.

Recross-examination by Mr. Brumm:

Q. Are you a married man, with children?—A. Yes, sir.

Q. Where do they go to school?—A. In the brick school-house.

Q. It is in Shenandoah, is it?—A. Yes, sir; in the borough. There is only one of my children goes to school, and in Shenandoah borough.

Q. When were you subpœnaed to attend here?—A. Last week, some day.

Q. Have you your subpœna with you?—A. Yes, sir. (Produces subpœna.)

Q. When were you to appear by that subpœna?—A. Yesterday.

EMANUEL EISENHARDT.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

THOMAS EVANS, being duly sworn according to law, doth depose and say in answer to interrogatories, as follows:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Direct examination by Mr. Hollopeter:

Question. Whereabouts do you live?—Answer, Down in the second ward—in the company's houses—by Ferguson's house.

Q. That is below the railroad?—A. Yes, sir.

Q. Did you vote at the last election of 1876, in November?—A. Yes, sir.

Q. In what ward did you vote?—A. I can't tell you.

Q. What house did you vote at; where was the place you voted?—A. Down at Tobin's, in first ward.

Q. Where were you born?—A. In Wales.

Q. When did you come to this country?—A. Here to Shenandoah? I came to Lannigan's first. I came here fourteen years next April.

Q. Did you pay your own taxes?—A. O, yes, sir.

Q. Nobody paid it for you?—A. My old woman when I am working.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. You say you live near Ferguson's house?—A. The next block to Ferguson's.

Q. What street is that on?—A. I don't know what street it is on. It is near by the railroad.

Q. (Map shown witness.) Here is what is known as Miller's roads and the company's houses. Is it in this house that you live?—A. Yes; in the first block.

Q. That is along Bowers street?—A. Indeed I can't tell you.

Q. You voted in the same ward that you live in, did you not?—A. Yes, sir; down at Tobin's, in the first ward.

Q. Then you lived in the first ward?—A. Yes, sir.

Redirect examination by Mr. Hollopeter:

Q. Do you know who your witness was when you got out your papers? Who was the man with you when you got out your papers?—A. I forget his name now—Richard Edwards.

Q. Who was with you when you got this paper?—A. I forget now; I think Wm. Moore.

Q. Did Edwards go with you the first or second time?—A. The first time.

Recross-examination by Mr. Brumm:

Q. Was not William Reese with you when you got this paper?—A. Will Reese; that is the name.

his
THOMAS + EVANS.
mark.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

ISAAC THOMAS called.
(No answer.)

WILLIAM MORRIS called.
(No answer.)

JAMES NORTH called.
(No answer.)

JOHN WILLIAMS called.
(No answer.)

JOHN W. WILLIAMS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Hollopeter:

Question. You were subpœnaed to bring your tax-receipts and nat-

uralization papers; have you got them?—Answer. Yes. (Produces papers.)

Q. When did you come to this country?—A. It is eight years and a half now since I came.

Q. Who was your witness?—A. W. Taliesin Jones, of Pottsville.

(No cross examination.)

Q. Do you know any other John W. Williams here in town—in the place?—A. No, sir; I do not. There are three or four Williamses, but no John W. Williams.

JOHN W. WILLIAMS.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

REESE EVANS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination, by Mr. Hallopeter:

Question. What year did you come to this country?—Answer. In 1849.

(No cross examination.)

REESE EVANS.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

JOHN DAVIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Hollopeter:

(Mr. Brumm, on behalf of contestant, objected, on account of insufficiency of notice.)

Question. Whereabouts do you live?—Answer. In the second ward.

Q. Whereabouts?—A. Between Lloyd and Coal streets; in the alley between Main and White; between Lloyd and Coal.

Q. Did you vote at the last election?—A. Yes, sir.

Q. What ward did you vote in?—A. The second ward.

Q. Have you got your citizen papers?—A. Yes, sir; the ones that I use; I use my father's.

Q. Where were you born?—A. I was born in Wales.

Q. In what year were you born?—A. I was born in 1849.

Q. What year did you come to this country?—A. I can't say exactly, but I was four years and six months over when I came here.

By Mr. Nash:

Q. Then you claimed the right to vote on your father's paper—his naturalization-paper?—A. Yes, sir.

Q. And used your father's naturalization-paper?—A. Yes, sir.

Q. You were born in 1849?—A. Yes, sir.

Q. Do you know what date?—A. The 15th day of February, 1849.

Q. Are you positive of that?—A. Yes, sir; I am.

(Mr. Nash, on behalf of incumbent, offered in evidence the naturalization of the witness's father, issued out of the court of common pleas of the county of Schuylkill to Thomas Davis, reciting that the said Thomas Davis became a citizen on the 17th of September, 1860; with his certificate, dated August 2, 1871, with the seal of the court, and attested by William J. Motz, prothonotary.)

Q. Is your father living now?—A. No, sir; he is dead. He died last August.

Q. Did you come to this country with your father?—A. No, sir; I came a year and a half or so afterwards.

Q. Do you know when he came?—A. In 1852 or 1853. I am not sure which.

Q. Where are your father's original papers?—A. Original papers—the first copy?

Q. Yes, sir.—A. I don't know whether he has got them or they are in the court-house at Pottsville. Those are the ones he gave me before he died, and said I was to keep them and use them.

Q. When did he die?—A. The 19th of August; last August, 1876; buried on the 21st.

Q. From whom did you get these?—A. From him; from my father; he said his papers was for me after he was dead.

Q. Had your father any middle name?—A. No; he never used to carry any middle name.

Q. Had he any?—A. Yes.

Q. What was it?—A. W.

Q. And his full name is Thomas W. Davis?—A. Yes, sir; I couldn't say whether he used his full name or not; I have seen it in the Bible, but I never saw him use it on anything.

Q. You never took out papers yourself?—A. No, sir.

Q. Did you vote at the last election?—A. Yes, sir.

Q. In what ward?—A. The second ward.

Q. Do you know of any other John Davis in this town?—A. Yes; I know one—John B. Davis, who is a bookkeeper here, and another John Davis on Coal street.

Cross-examination on behalf of contestant (reserving all exceptions and objections), by Mr. Brumm:

Q. Your father was naturalized before you became of age, was he not?—A. Yes, sir; he was.

Q. You have seen him exercise the right of suffrage frequently before you were of age?—A. Yes, sir.

Q. You know these are a copy of his naturalization-papers?—A. Yes, sir.

Redirect examination by Mr. Nash:

Q. Did you ever see your father's first papers?—A. Not to my recollection.

Q. Did you ever see your father vote?—A. Yes, sir.

Q. How often?—A. I couldn't say exactly how often. I know that when election comes he would vote.

Q. Did you see him personally vote?—A. No, sir; I didn't see him personally vote.

Q. Then, as far as you know, that is the only paper you ever saw your father have?—A. I heard him say he had a first paper; he was something over two years in the country, or something around that, when he got the first paper.

JOHN DAVIS.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

THOMAS C. WATERS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. On Coal street, here in Shenandoah.

Q. In what ward?—A. I live in the first ward.

Q. Are you a grandson of Watkin Waters?—A. I am, sir.

Q. You looked at his ticket and told him who was on it for Congress. Is that true?—A. Yes, sir. I always get his ticket for him, for he can't read.

Q. Who was on it for Congress?—A. I would not like to say, for I don't remember any more.

Q. What ticket was it?—A. I don't know for certain myself. I voted the Republican ticket and he voted the same as I did. He voted the ticket I gave him.

Q. Where were you born?—A. In Saint Clair.

Q. How long have you lived in Shenandoah, in the ward where you now live?—A. I lived there before it was divided into wards, and have lived there since; that is, I was living down here first, and since I am living where I am now they divided the borough into wards. I guess it was in 1874 I moved there.

Q. Tell us whether or not you paid the taxes yourself personally?—A. I did, sir. I paid 1874 State and county-tax. I paid up this year's tax, except I am back State and county tax; that is all.

Q. What time in 1874?—A. I can't tell you. Mr. Davitt was collecting when I had the taxes, and I did some work for him, and he paid me some money on it, and we never had a settlement, and we left the balance going on the tax; whether it was a dollar coming to me or a dollar coming to him, I don't know which until he settles.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. You can't swear for sure that the name of James L. Nutting was on the ticket?—A. No, sir; I wouldn't swear to it. Sometimes I make a change, but I don't change that, though, for I know the man to be good. I don't look much at parties. I know that I voted for one or the other, and I think I arranged his to get the same as my own.

THOMAS C. WATERS.

Sworn and subscribed before me this 7th day of March, 1877.

JAMES HUTTON,
Notary Public.

DAVID HOPKINS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. You were subpœnaed to bring your naturalization-papers and tax-receipts; have you got them?

(Witness produces papers.)

Q. Where do you live?—A. Ashland.

Q. In what ward?—A. Second ward.

Q. Where did you vote? In the second ward?—A. Yes, sir.

Q. Whereabouts do you live in Shenandoah?—A. In the bottom of White street, near Coal street.

Q. When did you come to this country?—A. I came to this country thirteen years last June—thirteen years.

Q. Who is William Smith that is your witness on this paper?—A. William Smith, of Saint Clair; he is dead long ago, now.

Q. How long had you been in the country before you got this paper?—A. You can tell by the paper.

Q. Can you not tell?—A. No, sir; not myself; I can't.

Q. What time did you come?—A. Thirteen years ago last June.

(Produces book to show when he came.)

Q. (Examining book.) It is not in there.—A. It must be in another book, then.

Q. Have you paid the State and county tax within two years of last election?—A. Yes, sir.

Q. How long have you resided in the ward in which you now live?—A. About going on four years.

Q. Have you ever lived out of it?—A. No, sir.

(No cross-examination.)

his
DAVID + HOPKINS.
mark.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

R. H. MORGAN called.

(No answer.)

THOMAS GRIFFIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. You were subpœnaed to produce your naturalization-papers; have you got them?—Answer. Yes, sir. (Produces papers.)

Q. Where do you live?—A. Up here by Coal street; East Coal street.

Q. In what ward?—A. This ward.

Q. What ward is that?—A. In the second ward.

Q. In what ward did you vote?—A. In the second ward.

Q. How long have you lived in that ward?—A. I guess two years, now.

Q. Where were you born?—A. In Wales.

Q. How long ago; in what year?—A. In the year 1854.

Q. Are you positive of that?—A. Yes.

Q. What time in 1854?—A. In 1844 or 1854.

Q. When did you come to this country?—A. In 1869.

Q. Where did you come to?—A. To Shenandoah.

Q. In that year?—A. Yes.

Q. Where did you get acquainted with Richard Edwards, your witness?—A. I knew that man the first year I came here.

(No cross-examination.)

his
THOMAS + GRIFFIS.
mark.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

WILLIAM M. JAMES, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. In the fourth ward of Shenandoah.

Q. How long have you lived there?—A. Ever since it has been a ward, I guess.

Q. Where were you born?—A. At Saint Clair.

Q. How long have you lived in that ward where you now reside?—A. Ever since it became a ward.

(No cross-examination.)

W. JAMES.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

THOMAS S. ROBERTS, being duly sworn, doth depose and say, in answer to interrogatories, as follows:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. On Coal street.

Q. In what ward?—A. The second one.

Q. Of Shenandoah?—A. Yes, sir.

Q. How long have you lived there?—A. Since 1865.

Q. Have you got your tax-receipts?—A. Yes, sir. (Produces papers.)

Q. Have you paid State or county tax within two years prior to last election, yourself, personally?—A. I paid 1875 tax.

Q. To whom?—A. To Newman.

Q. Whereabouts do you live?—A. I live in East Coal street.

Q. Near what cross-streets—between what streets?—A. On the second lot here on Coal street; here in the second ward.

(No cross-examination.)

THOMAS S. ROBERTS.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

WILLIAM B. THOMAS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to this examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. In the third ward of Shenandoah.

Q. Did you vote there at the last November election?—A. Yes, sir.

Q. How long have you lived in the third ward?—A. About four or five years.

Q. In the third ward?—A. Yes, sir.

Q. Where did you live before that?—A. Up in the Gap here. It is seven years since I am in the country.

Q. What year did you come to the country?—A. In 1870.

Q. What day of the mouth?—A. I was here about the 14th of April, 1870.

Q. Where were you born?—A. I was born in South Wales. (Papers produced.)

Q. When?—A. Well, I am now about thirty-three years of age. I have been in this country seven years; you can just count it up.

Q. This paper you have produced is the naturalization-paper on which you claim your right to vote?—A. Yes, sir.

(Mr. Nash, on behalf of incumbent, offered in evidence the naturalization-paper of William B. Thomas, issued out of the court of common pleas of Pottsville, Schuylkill County, on the 12th day of January, 1876, reciting that William B. Thomas, a native of Wales, entered his petition to become a citizen of the United States, and it appearing to the said court that it was a *bona-fide* intention of becoming a citizen of the United States, &c. Dated the 12th day of January, 1876, with the seal of the court, and Thomas F. Kearns, prothonotary.)

Q. Have you got your tax-receipts with you?—A. Yes, sir. (Tax-receipts produced.)

(Mr. Brumm, on behalf of contestant, objected to the offering of this certificate of his naturalization, that it is a record of the court which is conclusive evidence of his naturalization.)

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. Did you ever declare your intention of becoming a citizen of the United States under oath?—A. Yes, sir.

Q. At Pottsville?—A. Yes, sir.

Q. You did that more than two years before you got this paper, did you not?—A. I had the first paper there.

Q. You got your paper more than two years before you got this?—A. Yes, sir.

Q. This paper shows that you got your first paper on the 19th January, 1876; that is, 1876, after you got this paper—is that correct?—A. No, sir; no.

Q. Who was your witness when you got this paper?—A. It was Johnny James, a policeman of Shenandoah. He was in court at that time.

Q. Had you your first paper with you when you got this one?—A. Yes, sir.

Q. From whom did you get this paper?—A. Indeed I don't know the names of them.

Q. Where did you get it?—A. In Pottsville.

Q. At the court-house?—A. Yes, sir.

Q. In the prothonotary's office?—A. I don't know.

Q. Was it one of the offices in the court-house?—A. Yes, sir; on the left-hand side going into the court-house.

Q. Do you remember what season of the year it was when you got your first paper?—A. It was summer time.

Q. When you got your first paper?—A. Yes, sir; I remember it was pretty warm, anyhow.

Q. This shows the 19th of January, 1876; that was, of course, in the winter?—A. Of course it couldn't be at that time.

Redirect examination by Mr. Nash:

Q. Do you know the time—what day you declared your intentions?—A. Indeed I can't tell you, for I don't remember what day it was.

Q. You say you had another paper; had you?—A. Yes; the first paper.

Q. Do you know when you received that paper?—A. I can't remember exactly. It was three years and some months between the two. I can't remember exactly.

Q. Then the paper you produce here is not a minority paper, is it?

(Mr. Brumm, on behalf of contestant, objected to the question as leading, cross-examination of incumbent's own witness, and an attempt to contradict the same.)

A. That one from Pottsville I had for the right one, anyhow.

Q. Who was with you as a witness for the first?

(Mr. Brumm, on behalf of contestant, objects to the question that it is based upon the hypothesis that a witness was with the witness on the stand when he got the first paper, which counsel himself knows was not the fact.)

A. It was William Pritchard.

Q. And who the second time?—A. Johnny James.

Q. At the second time, when you were down there, the 12th of January, 1876, did you get this paper then, or was it brought to you?—A. Yes; I got it.

Q. Do you know who wrote it out for you?—A. Indeed I can't tell you. I don't know his name. Johnny James, he might tell you. He knows him.

Recross-examination by Mr. Brumm:

Q. When persons take out their first papers they do not have witnesses to swear for them, and when you said that Pritchard was your witness to the first paper you meant that he just went with you there?—A. Yes, sir.

Q. He did not swear for you, then, did he?—A. I don't believe he did. Was there any occasion for him to swear?

Q. No. You were mistaken when you said that he was there as a witness?—A. Yes. I don't know whether he swore for me or not; he was there with me.

Q. If it was not necessary for him to swear for you then, when you said in your examination-in-chief that he did swear for you, you were mistaken then, were you not; that was a mistake, was it not?—A. It was this way, now: Pritchard was down with me there, and, of course, I did not know whether he was bound to swear for me or not, and if there was to be one, why, he was there.

Q. You do not know that he was there to swear for you?—A. No; I can't tell you about that.

Redirect examination by Mr. Nash:

Q. For whom did you vote for Congress at the last fall election of 1876?

(Mr. Brumm, on behalf of contestant, objected to the question, as witness has not been shown to be an illegal voter, and that the certificate of naturalization offered in evidence bearing upon its face the evidence of clerical error, the original only can be used as evidence in this case; and the oath of their own witness confirming the clerical error on the face of the certificate, they are bound by his answers; and, therefore, as witness need not answer for whom he voted, the question is illegal.)

A. I voted the through Republican ticket, anyhow.

Q. Can you read your ticket?—A. Yes, sir; if it be plain writing I can read it.

Q. Whose name was on that ticket for Congress?—A. I can't tell you that.

Q. Nutting or Reilly?—A. I voted for the one on the Republican ticket.

Q. Do you know who that was?—A. It was Nutting.

WILLIAM B. THOMAS.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

WILLIAM T. RICHARDS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Hollopeter.

(Mr. Brumm, on behalf of contestant, objected to this witness being sworn on account of not having received notice of his being called.)

Q. Did you vote at the last election—the fall election of 1876?—A. Yes; I voted.

Q. In what ward?—A. In the third ward.

Q. You reside on Oak street, do you not?—A. Yes.

Q. When did you come to this country?—A. In 1862.

Q. Have you your naturalization-papers?—A. Yes, sir. (Naturalization-papers produced.)

Q. You were subpœnaed for to-day, were you not?—A. No, sir; for next Friday.

Q. Who is your witness?—A. G. F. Jones.

Q. Do you know of any money being used for corrupt purposes in the fall election of 1876 for the use of the Republican party or for its candidate, Colonel Nutting?

(Mr. Brumm, on behalf of contestant, objected to this question as impertinent and irrelevant, especially so far as it refers to any other person than the parties to this issue, and counsel for contestant requested the commissioner to instruct witness that he shall only answer such questions as he knows from his own knowledge and not from hearsay.)

The COMMISSIONER. As far as your own personal knowledge goes you can answer it.

A. I don't know of any.

Q. Did you receive any?—A. No, sir.

Q. Did you distribute any?—A. No, sir; I don't take nothing for it.

(No cross-examination.)

W. T. RICHARDS.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

ISAAC JONES, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Hollopeter:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you reside?—Answer. Up in Jordan street.

Q. How long have you been living there?—A. About two years—pretty near.

Q. In the same place?—A. Yes, sir.

Q. Did you vote at the last election?—A. Yes, sir.

Q. Where did you vote?—A. Down at the United States Hotel.

Q. Have you got your naturalization with you?—A. Yes, sir. (Papers produced.)

Q. Where were you born?—A. In South Wales, sir.

Q. When did you come to this country?—A. Seven years ago.

Q. Then you came here about 1870, or along there?—A. Yes; the

beginning of 1870 I came here. If it is the 7th day, it is just seven years ago to-day that I came from New York.

(No cross-examination.)

his
ISAAC + JONES.
mark.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

Adjourned at 4.30 p. m. until 7.30 p. m.

WEDNESDAY, *March* 7, 1877.

Evening session. Examination resumed at 7.30 p. m. Counsel for respective parties present.

WILLIAM P. WILLIAMS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Q. Did you vote at the last election?—A. No, sir.

Q. In what ward do you live?—A. In the first ward, for over four years.

(No cross-examination.)

WILLIAM P. WILLIAMS.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

JOHN W. THOMAS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Were you subpœnaed for to-day?—Answer. No, sir; for yesterday.

Q. Where do you live?—A. In Lloyd street.

Q. In what ward?—A. In the fifth ward.

Q. Did you vote there?—A. Yes, sir.

Q. When did you come to this country?—A. I came to the country in 1868.

Q. What time in 1868?—A. In July.

Q. Are you certain of that?—A. Yes, sir.

Q. What day of July?—A. I can't say exactly.

Q. How long were you in the country before you declared your intentions?—A. I was one year, sir.

Q. How long did you reside in that ward before the election of 1876?—A. I lived there eight years.

(Counsel for incumbent then stated that the naturalization-paper produced by witness recites the declaration of intentions, dated May 17, 1869.)

(No cross-examination.)

JOHN W. THOMAS.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

ROBERT JONES, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. In Shenandoah.

Q. In what ward?—A. I live in the second ward.

Q. Did you vote there?—A. Yes, sir.

Q. Have you your tax-receipts and papers?—A. Yes, sir. (Tax-receipts and papers produced.)

(Mr. Nash, on behalf of incumbent, offered in evidence the following tax-receipt:)

"SHENANDOAH, PA., *January* 2, 1876.

"Received of Robert A. Jones one dollar and fifty one-hundredths in full for State and county tax for the year 1875.

"H. J. NEUMAN, *Collector*."

Q. How old are you?—A. I was thirty years old last month.

Q. Where were you born?—A. South Wales.

Q. When did you come to this country?—A. In 1864.

Q. How old were you when you came to this country?—A. I was seventeen.

Q. How much over?—A. I can't answer that question; I can't say how much older.

Q. What month were you born in?—A. I can't say that, too.

Q. How do you fix your age?—A. I was born in 1847.

Q. Who is Evan Reese?—A. He is a boss up in Audenreid.

Q. Have you known him since 1864?—A. Yes, sir.

Q. Where were you residing when you got this paper?—A. In Audenreid, Carbon County.

(No cross-examination.)

his
ROBERT + JONES.
mark.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

DAVID EVANS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows.

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. I live in Jordan street, in the third ward of Shenandoah.

Q. How long have you lived there?—A. Thirteen years next June.

Q. Where were you born?—A. In Wales.

Q. When did you come to this country?—A. In the year 1855, I think.

(No cross-examination.)

his
DAVID + EVANS.
mark.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

WILLIAM RICHARDS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows.

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. In West street, under the Welsh church.

Q. In what ward?—A. In the fourth ward.

Q. Of Shenandoah?—A. Yes, sir.

Q. What street?—A. West street.

Q. What is the next street that crosses it?—A. I am near Cherry street.

Q. Where were you born?—A. In Wales.

Q. When?—A. In 1840.

Q. When did you come to this country?—A. Twelve years next May.

Q. Where did you come to; to this county?—A. Yes, sir.

Q. Did you get papers out; are these the papers you got out?—A. Yes, sir.

Q. When were you out of the town?—A. About seven years ago, for about three months.

(No cross-examination.)

his
WILLIAM + RICHARDS.
mark.

Sworn and subscribed before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

JOHN LEWIS being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows.

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. In West street.

Q. What ward?—A. I live in the Fourth ward.

Q. Whereabouts on West street; near what cross-street?—A. It is near Cherry street.

Q. Near John A. Lewis?—A. Yes, sir; up under the Welsh church.

Q. Where were you born?—A. In Wales.

Q. Do you know when you were born?—A. In 1840.

Q. When did you come to this country?—A. In 1869 last.

(Mr. Nash, on behalf of incumbent, offered in evidence the second paper of John Lewis, a native of England, dated the 7th day of October, 1876, reciting declarations of intentions the 18th of March, 1872, issued out of the court of common pleas of Schuylkill County, with the seal of the court, and attested by Thomas F. Kearns, phothonotary.)

(No cross-examination.)

JOHN LEWIS.

Sworn and subscribed to before me this 7th day of March, 1877.

JAS. HUTTON,
Notary Public.

Adjourned at 8.30 p. m. until 9.30 a. m.

THURSDAY, *March* 8, 1877.

Morning session. Examination resumed at 9.30 a. m. Counsel for respective parties both present.

SOBIESKI BRADY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows.

Direct examination by Mr. Nash:

Question. Did you vote at the last fall election?—Answer. No, sir.

Q. In the election of 1876—the November election?—A. No, sir; I was out of the State at that time.

Q. Is there another Sobieski Brady in the district?—A. No, sir; not to the best of my knowledge, there is not.

Q. No other Sobieski Brady in the district?—A. To the best of my knowledge there is not.

Q. How long have you resided there?—A. I resided there—I believe I went there in April, 1875, 1874 rather; then I was away a while attending lectures, and have been residing there ever since.

Q. What is your profession?—A. I am a physician.

Q. Do you know the people of that district?—A. Pretty well. I know some of them, of course.

Q. Can you tell whether there is no other one by that name in that township?—A. To the best of my knowledge there was not another party of my name.

(No cross-examination.)

SOBIESKI BRADY.

Sworn and subscribed before me this 18th day of March, 1877.

JAMES HUTTON,
Notary Public.

SAMUEL MILLER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows.

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. Lost Creek.

Q. In what township?—A. West Mahanoy.

Q. How long did you live there?—A. I moved there on the 17th day of February, 1869.

Q. Were you born in this country?—A. I was, sir. (Produces family record.) I was born the 5th day of May, 1845, Schuylkill Township, Schuylkill County, Pennsylvania.

Q. You were subpœnaed to produce your tax-receipts, have you them?—A. Yes, sir; I have got them on from 1866. (Produces tax-receipts.)

Q. You produce tax-receipt dated November 5, 1875, county tax, fifty cents; did you see that money paid?—A. Jack Dean—I paid him myself.

(No cross-examination.)

SAMUEL MILLER.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

JOHN SEDLAND called.

(No answer.)

JOHN GISE, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. Lost Creek.

Q. How long have you lived there?—A. I guess about eight years.

Q. Did you vote at the last November election of 1876?—A. Yes, sir; I voted.

Q. In what district?—A. I voted there at Lost Creek.

Q. What township is that in? What election-district is it in?—A. What township?

Q. Yes, sir.—A. Schuylkill County.

Q. What election-district?—A. Lost Creek, West Mahanoy election-district.

Q. Did you vote at the last Presidential election in November, 1876?—A. Yes, sir; I voted then.

Q. Where were you born?—A. I was born in Mahontongo Valley, Northumberland Valley.

Q. How long have you lived in West Mahanoy Township?—A. About eight years.

Q. Continuously—all the time?—A. Yes, sir; about eight years—there at Lost Creek.

Q. You were subpœnaed to produce your tax-receipts?—A. Yes, sir; (produces tax-receipts;) here they are.

Q. Have you any other tax-receipts besides one dated January 17, 1875; any other but that?—A. Yes, sir; at the house, for 1876; I have, yes.

Q. When was that paid; was it after or before the election?—A. Before the election.

Q. How long before the election?—A. Well, whenever the tax-man came around to get it.

Q. Do not you know that you were instructed to bring in your tax-receipts for 1874, 1875, and 1876?—A. They are there (indicating).

(Mr. Nash, on behalf of incumbent, read paper as follows:)

"WEST MAHANOY TOWNSHIP,
"*Schuylkill County, Pennsylvania, ss:*

"*June* 17, 1876.

"Mr. JOHN GISE:

"SIR: Take notice that your State and county tax for the year 1875 is as follows: State tax, ——; rate, ——; county tax, seventy-five cents.

"Received payment.

"JOHN DEAN,
"*Collector.*"

Also read tax-receipt as follows:

"WEST MAHANOY TOWNSHIP,
"*December* 21, 1876.

"Received of John Gise two and $\frac{93}{100}$ dollars in full for State, county, building, and school taxes for 1876.

"JOHN DONNELLY,
"*Collector.*"

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. You paid your taxes for 1874, 1875, and 1876?—A. Yes, sir.

Q. You paid all your State and county taxes for these three years?—A. Yes, sir.

Q. You paid it yourself to the collector?—A. Yes, sir; I paid it myself.

his
JOHN + GISE.
mark.

Sworn and subscribed before me this 8th day of March, 1877.
JAMES HUTTON,
Notary Public.

MARK JEFFERY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

Question. Where do you live?—Answer. Raven Run.

Q. What township?—A. That I told you just now; that is more than I can——

Q. Did you vote there at the last November election of 1876?—A. No, sir; I can show my tax-receipts there the last three years.

Q. Not if you did not vote?—A. I am no citizen, but I have been in the country for the last twelve years, though.

Q. Do you know of any other Mark Jeffery in the township?—A. No, sir; I do not know of any other Mark Jeffery in the country there.

Q. How long have you lived in the township?—A. I came to Raven Run in March, 1874, I think; I have tax-receipts for 1874, 1875, and 1876; but as for my citizen's papers I could not bring them in.

Q. You are certain that you did not vote at the last November election?—A. No, sir; I never voted in my life.

(No cross-examination.)

MARK JEFFERY.

Sworn and subscribed before me this 8th day of March, 1877.
JAMES HUTTON,
Notary Public.

JOHN PRICE, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. Girardville.

Q. How long have you lived there?—A. I guess fourteen years I have lived there.

Q. Within what is now the borough, for fourteen years?—A. Yes, sir.

Q. Where were you born?—A. On the island of Great Britain, whereof I am proud, although I like my adopted country.

Q, Did you vote at the last election of 1876?—A. Yes, sir.

Q. And in Girardville?—A. Yes, sir.

Q. You were subpœnaed to produce your tax-receipts and naturalization-papers? (Produces tax-receipts and naturalization-papers.)

Q. Where were you born, Mr. Price?—A. That I could not tell, sir.

Q. About what time?—A. Well, I guess, about as near as I can judge, I am about forty-five years of age, but exactly I cannot tell; I would not like to swear to that.

Q. When did you come to this country?—A. 1857.

Q. Where did you come from when you came here?—A. From Shropshire to Pottsville.

Q. Who is this William Waters who is your witness?—A. He is from Ashland.

Q. How long have you known him?—A. I became acquainted with him when I moved up here first, about fourteen years ago.

Q. Where did you say you moved to first when you came to this country?—A. Pottsville. I did not remain there; I came to Saint Clair.

Q. How long did you stay in Saint Clair?—A. I staid there until I came up to Girardville.

Q. How long was it?—A. I have been up here about fourteen years; you can reckon up that.

Q. You came up here in what year?—A. I could not exactly say the year; about fourteen years ago.

Q. About fourteen years ago?—A. Yes, sir; it may have been about 1862.

Q. About 1862 you came up here to Girardville?—A. Yes, sir.

Q. How long were you there before you got to know William Waters?—A. I do not think as I was there above two or three months before I became acquainted with him. I used to be in Ashland often. There was no stores in Girardville then, and that was where I became acquainted with him.

Q. What was he doing there?—A. He was a miner.

(Mr. Nash, on behalf of incumbent, offered in evidence a certified copy of the naturalization-papers of John Price, dated September 25, 1871, issued out of the court of common pleas of Schuylkill County, William Waters, witness. Also, offered in evidence tax-receipt of John R. Price, dated January 18, 1876, four and $\frac{80}{100}$ dollars, for county, State, and school taxes for the year 1875, signed Jeremiah Gorman, collector.)

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. You paid your taxes for the years 1874, 1875, and 1876, did you not?—A. Yes, sir.

Q. Paid them at the expiration of the year?—A. No; no, sir.

Q. Can you tell when you paid your State and county taxes for 1874?—A. No, sir; I could not.

Q. You have not got your tax-receipt with you?—A. I have not got it with me. I paid it ever since I have been in the county; I can swear to that.

Q. You are sure you paid it for 1876?—A. Yes, sir.

Redirect examination by Mr. Nash:

(Mr. Nash, on behalf of incumbent, offered in evidence tax-receipt, as follows:

"JANUARY 22, 1876.

"Received of John R. Price six and $\frac{45}{100}$ dollars for county, State, and school taxes for the year 1876.

"JEREMIAH GORMAN,
"*Collector.*")

Q. Was it before or after the election in 1874 that you paid the tax for 1874?—A. I do not know.

Q. About what time?—A. I could not say.

Q. Where is that tax-receipt?—A. I could not find it.

Q. You have not any tax-receipt now for 1874?—No, sir; not that I know of—no; I could not find it; these two is all I have got.

JOHN PRICE.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

GEORGE GESFORD, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows.

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. At the Flour Barrel, I moved there last Friday; I was living in Raven Run.

Q. In what township is that?—A. Mahanoy Township.

Q. Which township, East or West?—A. West Mahanoy Township.

Q. Did you vote there?—A. Yes, sir.

Q. How long had you lived there prior to voting at the last fall election?—A. I moved there the 22d of October, 1875.

Q. Where had you lived before that?—A. At the Flour Barrel.

Q. How long did you live at the Flour Barrel?—A. About two years.

Q. Where were you born?—A. In the ould dart.

Q. In what country?—A. England.

Q. When were you born?—A. 1844.

Q. Do you know what time of the year?—A. In August.

Q. Did you ever get your papers out?—A. Yes, sir.

Q. Have you got them here?—A. I have got part of them. (Produces papers pretty well torn to pieces.)

Q. Where did you get them?—A. Scranton. I got my papers in 1868.

Q. Did you ever get a paper before you got this paper?—A. No; I only got that paper.

Q. Who is your witness?—A. Samuel P. Evans.

Q. Then this paper that you got was minor paper?—A. I do not know.

Q. You only got one paper out at once?—A. Yes, sir.

Q. What time did you land in 1858?—A. Nine o'clock in the morning.

Q. What time in the month; what time did you land; can you tell us the date?—A. No, sir. I can tell you the day of the week—Monday.

Q. In October?—A. No; in August, 1868.

Q. What time of the week was it?—A. Monday.

Q. How do you fix your birth; the time of the year?—A. It is the 26th of October.

Q. In what year?—A. In 1844.

Q. How do you fix that as the date of your birth?—A. On the Bible.

Q. Where?—A. Why, in the auld country, before I left. I do not write; I guess my parents wrote it down.

Q. When did you see that Bible last?—A. About a couple of weeks before I left the old dart; I might say a couple of days.

Q. How many in the family is there?—A. Seventeen.

Q. How old were you when you came to this country?—A. Betwixt seventeen and eighteen years.

Q. Were you subpœnaed to produce your tax-receipts?—A. Here they are (produces tax-receipts) for 1874, 1875, and 1876.

Q. To whom did you pay this 1875 tax?—A. To Frank McHugh, I guess.

Q. Do you know to whom it was paid?—A. Frank McHugh was collecting one, and Tierney was collecting one.

Q. Did you pay this yourself, personally?—A. No; the old woman paid it.

Q. Who paid the 1874 tax?—A. I paid that myself.

Q. Do you know who signed these receipts, whether it was Frank McHugh himself or his son?—A. I do not know, I am sure.

Q. How many miles is it over to the Flour Barrel?—A. About two.

(No cross-examination.)

GEORGE GESFORD.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

JOHN NICHOLS called.
(No answer.)

JOSEPH RICHARDSON, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. Raven Run, sir.

Q. What township?—A. I think it is West Mahanoy Township.

Q. Did you vote there at the last fall election of 1876?—A. Yes, sir.

Q. How long had you lived there before the election?—A. I lived there twelve years next June.

Q. Where were you born?—A. Pottsville; in 1830; the 28th day of September.

Q. Have you got your tax-receipts of 1874, 1875, and 1876?
(Produces receipts.)

A. Patrick L'Velle was the last man I paid school-tax to.

(Mr. Nash, on behalf of incumbent, offered in evidence the following tax-receipts:

"WEST MAHANOY TOWNSHIP,
"SCHUYLKILL COUNTY, PENNSYLVANIA,
"*November* 17, 1875.

"JOSEPH RICHARDSON:

"SIR: Take notice that your State and county tax for the year 1875 is as follows: State tax, ———; county-tax, $1.50.

"Received payment,

"JOHN DEAN,
"*Collector.*"

"MAHANOY TOWNSHIP,
"SCHUYLKILL COUNTY, PENNSYLVANIA,
"*September* 14, 1874.

"Received of Joseph Richardson ninety cents, in full for tax of 1874. Road-tax, two and $\frac{40}{100}$ dollars.

"J. COCHLIN,
"*Collector.*")

Q. Have you paid your tax for 1876?—A. Not all of it.

Q. Your county-tax and State-tax, I mean.—A. I do not know what—Donnelly is collecting, I was told——

Q. He is collecting county and State tax.—A. Well, I paid so much up and then——

Q. When did you pay him this?—A. I think on the 15th of November. He has got it on the bill.

Q. In what year?—A. Last year, since the election, John Dean had me exonerated from this tax of 1875. I think it is that year.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. You paid your taxes for the year of 1875 on this date?—A. Yes, sir.

Q. Your State and county tax?—A. Yes, sir, I did; to John Dean.

Q. You are not sure that this is the tax that he had you exonerated from?—A. Yes, sir, that is it; he said that it was.

Q. Who is Mr. Carey?—A. I do not know; he is a preacher or something that lives in Dean's Patch.

Q. Was he a tax-collector?—A. He was collecting Dean's duplicate.

Q. He was a bondsman?—A. I do not know; when he gave this 'ere my wife went and got the money and gave it to him.

Q. Did he tell you after you had paid him that he had exonerated you?—A. No, sir; I saw it in the paper.

Q. That he had you exonerated?—A. Yes, sir.

Q. And that you saw after you had paid him this money?—A. Along after that; I went and showed it to a man of our place.

Redirect examination by Mr. Nash:

(Mr. Nash, on behalf of incumbent, offered in evidence this receipt of November 17, marked "Exhibit E."

"EXHIBIT E.—*James Hutton, Notary Public.*

"WEST MAHANOY TOWNSHIP,
"SCHUYKILL COUNTY, PENNSYLVANIA,
"*November* 17, 1875.

"Mr. JOSEPH RICHARDSON:

"SIR: Take notice that your State and county tax for the year 1875 is as follows: County tax, $1.50.

"Received payment,

"JOHN DEANE, *Collector.*")

Q. Did you pay this tax yourself personally?—A. No, sir; my wife paid it; I gave her that note.

Q. You were not present at the time it was paid?—A. No; I was not.

Q. Do you know it was paid?—A. She handed me the receipt that afternoon.

Q. And that is the reason you know it was paid and the only reason?—A. Yes, sir; I am sure of that—that it was paid.

Q. Because she told you and showed you this receipt?—A. Yes, sir; because she borrowed money and I had to pay it.

Q. Were you there when she borrowed the money?—A. No, sir.

Q. You know she borrowed the money to pay it?—A. Yes; she went out and borrowed the money and I had to pay it back again.

Q. Do you know whether you are on the registry-list of Mahanoy Township?—A. I voted on that paper.

Q. Were you on the registry list of voters for that township?—A. I would not have voted if I had not been.

Q. Tell us whether you know whether you were on the registry-list or not.—A. Well, the assessor he said it was all right; Price I think he was called; and when I went to vote I laid down the papers and he said it was all right.

Q. Are you the only Joseph Richardson at Raven Run?—A. Yes, sir.

JOSEPH RICHARDSON.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

JOHN BAKER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. At Lost Creek.

Q. In what township is that?—A. Mahanoy Township, I guess.

Q. In which Mahanoy, East or West?—A. East Mahanoy, I guess—no, it is West Mahanoy.

Q. Did you live there at the last fall election?—A. Yes, sir.

Q. How long had you lived there before the last election?—A. I lived there nine years altogether now.

Q. With whom did you live?—A. I lived with my mother until I got married.

Q. When were you born?—A. 1854.

Q. What time of the year?—A. 1854 I was born in.

Q. What month?—A. Sixth of September, 1854.

Q. Tell us whether or not you ever paid State or county tax before last election.—A. I did not pay any tax; there was one sent to my house. I have it and the only one I have. (Produces tax-receipt.) I guess it was John Morgan.

Q. Who was John Morgan?—A. He is a fellow that was running for a delegate here at the time.

Q. Where does he live?—A. Here in Shenandoah.

Q. John Morgan; he was elected to the legislature?—A. Yes, sir.

Q. Who brought it to you?—A. A little boy brought it to me—it was sent down to the house to me.

Q. What day of the week was it—about?—A. Indeed I could not tell you that; it was before the election, though, over a week.

Q. Tell us whether you ever paid any money for this tax-receipt.—A. Never paid a cent.

Q. Was it two weeks before the election?—A. No; I do not know that it was two weeks or not; I do not know how long he had the tax-receipt.

Q. How long before the election was it sent to you?—A. I cannot say.

Q. Was it two weeks?—A. It might have been over a week as far as I know about it.

Q. Was it over two weeks?—A. No; it was not over two weeks. I met John Morgan in the store a good while before the election—it might have been three or four weeks before the election. He told me he had the tax-receipt with him, and——

Q. Three or four weeks before the election?—A. Yes, sir; I met him one day in the store and I told him that I did not want it; that I would pay my own taxes; and he said he had them paid, and I told him I did not pay any tax that year, and I was only assessed that year too——

Q. What time did you meet Morgan there at the store?—A. I cannot tell you.

Q. Was it over four weeks?—A. It was going on the fourth week before election.

Q. Had you a conversation about your right to vote there?—A. No; I had not.

Q. Did you tell him you had not paid taxes yet?

(Mr. Brumm, on behalf of contestant, objected to the question as leading, and cross-examination of incumbent's own witness.)

A. Yes; I told him I did not pay any tax.

Q. Was it then that he told you that he had the receipt for it?—A. Yes, sir.

Q. Was that the only time he talked with you about your taxes?—A. That is the only time.

Q. Who was the boy that brought you the tax-receipt?—A. Willie Nichols—a little boy.

Q. Were you on the registry-list last year?—A. I do not know; I could not say now.

Q. Had you ever voted before?—A. No; not until within—that was the first time I ever voted. I could have voted on age, but not this time; I could not have done it this time.

Q. Tell us whether you went inside and was sworn as to your payment of tax.

(Mr. Brumm, on behalf of contestant, objected to question as irrelevant and immaterial.)

Q. Were you sworn at all at the election?—A. No, sir; I was not asked for my tax-receipts, and that was all there was to it.

Q. For whom did you vote for Congress at the November election in 1876?

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. Mr. Baker, you say that you were assessed before the last election?—A. I was; John Price assessed me.

Q. John Price of your district?—A. Yes, sir.

Q. You were on the duplicate for taxes then, were you not?—A. Yes, sir; I was.

Q. Had the collector been around to see you about taxes?—A. He had been around before election.

Q. The collector looked to you for the payment of taxes, and they were on his duplicate?—A. Yes, sir; John Donnelly told me that the tax was paid when——

Q. He was collector in that district last year for State and county taxes?—A. Yes, sir.

(Mr. Brumm, on behalf of contestant, offered in evidence the following receipt:

EXHIBIT F.—*James Hutton, Notary Public.*

WEST MAHANOY TOWNSHIP, *October* 7, 1876.

"Received of John Baker eighty-three cents, in full for State, county, and building taxes for the year 1876.

"JOHN DONNELLY, *Collector.*"

We offer this in evidence, filled out on printed blank, and request it to be marked Marked "Exhibit F.")

Q. You accepted this receipt as a receipt for the payment of your taxes, did you not?—A. Yes, sir; I did.

Q. And pursuant to the acceptance of this receipt as payment of your taxes you went to the polls and voted on this receipt, did you not?—A. Yes, sir.

Q. And the tax-collector told you that your taxes were paid by this receipt?—A. Yes, sir. I asked him at the polls.

Q. And you were not challenged at the last election, when you went to vote?—A. Yes, sir; I was.

Q. Upon what ground?—A. They challenged my vote there on the ground that I did not pay my taxes.

Q. Did you then show this receipt?—A. I did.

Q. And the tax-collector was there at the time?—A. Yes, sir; he was. He did not see, for he was talking to somebody there.

Q. It was before you voted that he told you that your taxes were paid?—A. Yes, sir.

Redirect examination by Mr. Nash:

Q. Tell us whether you were speaking to John Donnelly before you cast your vote.—A. I was.

Q. The tax-receipt that was sent you by John Morgan is the one put in evidence here?—A. Yes, sir; I am pretty sure he sent it, because he told me in the store. Afterward I seen him going into Nichols's, and a little while afterward I seen a little boy coming out of there.

Q. Was John Donnelly in there at the time?—A. No, sir; he was not.

Q. Did you offer to pay Donnelly at the polls if your taxes were not paid?

(Mr. Brumm, on behalf of contestant, objected to it as leading and cross-examination of incumbent's own witness, and not material.)

A. No; I did not tell Donnelly anything of the kind. I had the money to pay my taxes since he came around, but this tax-receipt was sent before he came.

Recross-examination by Mr. Brumm:

Q. Morgan only told you that he had a receipt; he did not tell you that he paid these taxes?—A. Yes; I told him I could not take any tax-receipt unless it was paid for, and he told me that he paid for it.

Q. That he had paid for it?—A. Yes, sir.

Q. Did Morgan tell you that he had paid for it himself or that he had had it paid for?—A. He did not say that; he told me that he had it paid for.

Q. If he told you that he had it paid for, then he did not tell you that he paid for it himself, did he?—A. No, sir; he did not.

Redirect examination by Mr. Nash:

Q. Who did you say he had got to pay for it?

(Mr. Brumm, on behalf of contestant, objected to the question as cross-examination of incumbent's own witness and immaterial and hear-say testimony, and the question as to who paid for it as irrelevant to this issue.)

A. He did not say that at all; he did not——

Q. Which did he say—he got it paid for, or paid for it himself?—A. He told me he had it paid for.

Q. When did he tell you this; was it at the time he gave you the receipt?—A. No; at the store, three or four weeks before the election; before I got the tax-receipt.

Q. For whom did you vote for Congress in the last fall election of 1876?

(Mr. Brumm, on behalf of contestant, objected to the question as premature, the witness not having been proven to be an illegal voter at the last general election.)

A. I voted the Republican ticket—the full Republican ticket.

Q. Do you know who was on that ticket for Congress?—A. No; I do not.

Q. Mr. Nutting was running for Congress on the Republican and Mr. Reilly on the Democratic ticket; which of those did you vote for?—A. I voted the Republican ticket, whoever was on it.

Q. Can you read?—A. I cannot read good.

Q. Can you read print?—A. I guess I can read print.

Q. Did you look at your ticket?—A. No, sir; I went and got a ticket from Taylor, and put it in the window.

Q. Was Tom Taylor at the polls there?—A. Yes, sir.

Q. For what party was he giving out tickets?

(Mr. Brumm, on behalf of contestant, objected to question as being irrelevant.)

A. He was giving the Republican tickets out.

his
JOHN + BAKER.
mark.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

JONATHAN GEDDLING, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness, on account of no notice whatever being given of his examination.)

Question. Where do you live?—Answer. Raven Run.

Q. What township is that in?—A. West Mahanoy.

Q. Did you vote there at the last fall election?—A. I voted at Lost Creek last fall; not in Congress election.

Q. Did not you vote at the last fall election?—A. At Lost Creek.

Q. Is not that in West Mahanoy Township?—A. Yes, sir.

Q. How long have you lived in Mahanoy Township?—A. I have been living there, to the best of my knowledge, about twelve years.

Q. Where were you born?—A. I was born in Nesquehoning.

Q. In what county is that?—A. Carbon County.

Q. Were you subpœnaed to produce your tax-receipts? (Tax-receipts produced.)

Q. Did you pay any taxes, State or county, within two years prior to the last election?—A. Yes, sir.

Q. Did you pay this tax personally yourself?—A. No, sir.

Q. Who did it?—A. My wife paid them.

Q. Tell us whether or not you were present at the time.—A. No, sir; I was not. I was at work.

(Mr. Nash, on behalf of incumbent, offered in evidence the following receipt:)

"WEST MAHANOY TOWNSHIP,
"*November* 16, 1875.

"Mr. JONATHAN GOUTHLING:

"SIR: Take notice that your State and county tax for the year is as follows: State tax, ——; county tax, $1.50.

"Received payment.

"JOHN DEAN,
"*Collector.*"

Q. Did you pay the tax for 1876?—A. Yes, sir; I did.

Q. When?—A. I cannot name the date.

Q. Where is the receipt for it?—A. I have not got the receipt.

Q. You were subpœnaed to produce the tax-receipts for 1874, 1875, and 1876.

(Mr. Nash, on behalf of incumbent, offered in evidence the following tax-receipt:)

"WEST MAHANOY TOWNSHIP,
"*November* 15, 1876.

"Received of Jonathan Gethlin, one $\frac{28}{100}$ dollars, in full for State, county, building, and school taxes for the year 1875.

"JOHN DONNELLY,
"*Collector.*"

Also, the following receipt:

"AUGUST 11, 1874.

"For county, State, and road taxes for 1874, one and $\frac{95}{100}$ dollars.

"JOHN COUHLIN,
"*Collector.*"

Q. Who paid the taxes to Dean?—A. My wife paid all my taxes.
(No cross-examination.)

JONATHAN GEDDLING.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

JOHN GEORGE WENTZIL, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. Raven Run.
Q. In what township?—A. Mahanoy Township.
Q. Which Mahanoy—East or West?—A. East Mahanoy.
Q. I guess not.—A. I lived up there in West Mahanoy Township in 1874.
Q. When did you move there?—A. In 1874—the 15th of May.
Q. Where were you born?—A. In Germany—Saxe Weimar.
Q. When were you born?—A. In 1828.
Q. When did you come to this country?—A. Between 1849 and 1850.
Q. Were you naturalized?—A. I believe I am.
Q. In what county?—A. In Schuylkill County.
Q. In what year?—A. In 1855 I got my citizen-papers.
(Naturalization-papers produced.)
Q. Was it in 1849 you arrived in the country?—A. Between 1849 and 1850.
Q. How old were you when you came to the country?—A. Only eighteen.
Q. Now, if you were born in April, 1828, and came to this country in 1849, can you tell us how old you were when you came to the country?—A. Seventeen years and some months. I came in August, 1849, to this country.
Q. Tell us how long it is from April, 1828, when you were born, to April, 1849, when you came to this country?—A. If you give me a piece of paper and a pen I will tell you. (Calculates upon paper.) It gives nineteen years.
Q. Try it again. Make the calculation again; you are wrong.—A. In April, 1828, I was born.
Q. To 1849 is how many?—A. Twenty-eight and ten is thirty-eight and ten is forty-eight, twenty-one years in April.
Q. How old were you when you came to this country?—A. I was not eighteen years.
Q. Are you positive what time you were born?—A. I am positive I was born in 1828, the 18th day of April, and I came to this country in August, 1849.
Q. Would that make you under or over eighteen?—A. It makes me under eighteen. I am sure I was under eighteen.
Q. What time did you land; in 1849?—A. Yes, sir; in 1849.
Q. In this country?—A. Yes, sir; in New York.
Q. Are you positive of that?—A. I believe I am.

Q. Now make that calculation again and see if it would not put you over eighteen years of age?—A. I have it there in twenty-one.

Q. Have you made the calculation on your age, being born in 1828, and arriving in August, 1849?—A. I never made any calculation; that would make me twenty-one, here on this paper.

Q. Is this your paper?—A. That is my own paper.

Q. Is this the paper on which you claimed the right to vote?—A. Yes, sir; that is what I vote on.

Q. This is your naturalization-paper?

(Mr. Nash, on behalf of incumbent, offered in evidence a certified copy of the naturalization-paper of John George Wenzel, a native of Saxony, dated the 3d day of September, 1855. Issued out of the court of common pleas of Schuylkill County, with the seal of the court, signed by Samuel Huntzinger, prothonotary; to which paper J. William Krell is a witness; which paper is commonly known as a minor paper.)

Q. Tell us whether or not you paid State or county taxes within two years prior to the last election in 1876?

(Two tax-receipts produced.)

(Mr. Nash, on behalf of incumbent, offered in evidence the following tax-receipt:)

"MAHANOY TOWNSHIP,
"*September* 14, 1874.

"Received of John George Wenzel one and $\frac{50}{100}$ dollars in full for taxes for 1874: County, tax $1.50.

"JOHN COCHLIN,
"*Collector.*"

Also tax-receipt dated:

"WEST MAHANOY TOWNSHIP,
"*December* 16, 1876.

"Received of George Wenzel two and $\frac{93}{100}$ dollars in full for State, county, building, and school-tax for the year 1876.

"JOHN DONNELLY,
"*Collector.*"

Q. Where is your tax-receipt for 1875?—A. I never voted in 1875 or 1874.

Q. These were the only taxes you paid while in Raven Run?—A. Yes, sir.

Q. You moved when, in 1874, to Raven Run?—A. The 15th of May.

Q. What year?—A. Eighteen hundred and seventy-four.

Q. Where did you vote at the last fall election of 1876?—A. In Lost Creek.

Q Is that in West Mahanoy Township?—A. I voted in Lost Creek, West Mahanoy Township, at the last general election in 1876.

Q. For whom did you vote for Congress at the last fall election of 1876?

(Mr. Brumm, on behalf of contestant, objected to the question, that the witness has not been proven to be an illegal voter at the last general election.)

A. I voted the whole Republican ticket.

Q. Do you know who was on that ticket for Congress?—A. I did not look it all over, but I saw Nutting was on the top of it—the electoral ticket.

Q. Was Nutting on for Congress?

(Mr. Brumm, on behalf of contestant, objected to this question as leading.)

A. Yes, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. This paper; when did you get it?—A. In 1855 I got out my paper.

Q. And then you swore that you were only twenty-two years old in 1855?—A. Yes, sir.

Q. Now, then, taking twenty-two off from fifty-five would leave thirty-three; then you must have been born in 1833, was not you?—A. No, sir; I was not born in 1833, and can fetch my papers and show you.

Q. When you got this paper you swore that you were twenty-two years old at that time?—A. Yes, sir.

Q. Now, then, did you swear to the best of your knowledge that that was true?—A. So did I.

Q. If you were twenty-two, and you swore to it when you got these papers, and you got these papers in 1855, now please take a pencil and subtract 22 from 1855. What is your result?—A. Eighteen hundred and thirty-three. Twenty-two from 1855 is 1833.

Q. Now, then, when you got this paper you swore that you were born then in 1833, practically, did not you?—A. (Shakes his head.) No, sir.

Q. Did you swear to the truth at that time?—A. Yes, sir.

Q. Well, is your memory better upon that subject now than it was at that time?—A. It shows that I am not born in 1833, any how.

Q. Is your memory any better now than it was at that time?—A. It looks so.

Q. How do you know that you were born in 1828?—A. From my papers what I fetched from the old country.

Q. And yet you say that you were under eighteen when you came to the country, and say when you got this paper out in 1855, you were only twenty-two years old, as sworn to?—A. Yes, sir; I believe I can prove it when I get my papers.

Q. How do you believe now that you are eighteen years old or under when you came to the country, and were twenty-two years old in 1855, and yet you say you were born in 1828; there is a mistake somewhere, is there not?—A. I am not born in 1833 anyhow; I cannot be mistaken.

By Mr. Pomeroy, on behalf of contestant (continuing):

Q. You swore you were born in 1828, and came to this country in 1849; 1828 from 1849 would leave you but twenty-one years, I think, when you came to this country. (Explained to witness in German and translated by Mr. Brumm.)—A. I may have made a mistake of several months, but I have got my papers that I got from Germany that must put me correct—I have got them along. I know I am in the country more than twenty-nine years. I am sure that I came here in 1849. I am sure that I was born in 1828; my papers will show that—my retiring papers—my passports from the government would show that, but these I have not got with me, and I am very sure that I came into the country under eighteen years of age, and I am also very positive that when I considered that I was twenty-two years of age in 1855 that that was right.

Q. How can you account for the discrepancy in this testimony?—A. All that I have got to say is that my papers will show it—my papers that I got from the government in the old country, they will show for that.

Q. That would necessarily show this discrepancy?—A. Well, I got

my papers anyhow, and I know that they are right, and I paid five dollars for them.

Q. You said that your tax-receipt for 1875 was at Tamaqua?—A. Yes, sir.

Q. Did you pay the tax in 1875 at all?—A. I have them down there paid. I will fetch them up.

Q. Are you the owner of any property?—A. I am.

Q. Where is your property located?—A. In Brown street, in Tamaqua.

Q. Tamaqua is in Schuylkill County?—A. Yes, sir.

Q. Then you paid all your taxes?—A. My taxes are all paid in Tamaqua.

Q. For 1874, 1875, and 1876?—A. Yes, sir; that I have.

Q. They were all paid in the year that they fell due?—A. Yes, sir.

Q. But you say you have not got them here?—A. No, sir; I have not them with me.

Q. There was none of your property returned for want of taxes being paid on it to the commissioner or county treasurer?—A. No, sir.

Q. Was your property occupied in 1874, 1875, and 1876?—A. Yes, sir; and in 1877.

Q. Is there anybody living in it now?—A. There was some living there about a month ago, but they did not pay rents, and I just turned them out.

Redirect examination by Mr. Nash:

Q. Is there no other Wenzel living in Raven Run?—A. No, sir.

Q. You have produced all the taxes that you paid in Mahanoy Township since you were there?—A. Yes, sir. I have not been assessed in Mahanoy Township until 1876, and I got assessed myself, and the tax-collector came around and I did not think he had a right to collect it.

Q. Then you did not pay any tax in 1875?--A. Not in West Mahanoy Township.

JOHN GEORGE WENZEL.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

Examination adjourned at 12.30 until 1.30 p. m.

THURSDAY, *March* 8, 1877.

Afternoon session. The counsel for the respective parties being present the examination was continued at 1.30 p. m.

FRANK O'BOYLE, being duly sworn according to law, doth depose and say, in answer to the interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you reside?—Answer. Gilberton borough.

Q. And voted in Gilberton borough at the last election?—A. Yes, sir.

Q. The November election in 1876?—A. Yes, sir.

Q. Tell us whether you know of the corrupt use of money to influence voters in favor of Colonel Nutting for candidate for Congress at the November election of 1876.

(Mr. Brumm, on behalf of the contestant, objected to the question as irrelevant and immaterial, unless it is shown that it was used with his knowledge or consent.)

A. Some time before the election Martin Monaghan met me at what is

called the Flour-barrel, at Maysville, in the borough. He spoke to me about—to distribute the Republican tickets. Martin Monaghan gave me fifteen dollars, not all on that day; he gave me ten dollars on that day.

Q. When did he give you the balance?—A. Some few days afterwards.

Q. How long before the election was this?—A. Well, I can't exactly say the date.

Q. About how long?—A. I couldn't say whether it was a week or two weeks or three; it was a holiday anyhow; it was the first time I met him.

Q. Tell us whether it was "All Saints' Day."

(Mr. Brumm, on behalf of the contestant, objected to it as leading.)

A. I think, to the best of my knowledge, it was that day—next day after Hallow Eve.

Q. At the time Martin Monaghan gave you this money, tell us whether or not he told you what it was for?

(Mr. Brumm, on behalf of contestant, objected to the question, as any conversation of Martin Monaghan cannot affect the parties to this issue unless in presence of either Mr. Nutting or Mr. Reilly.)

A. The understanding was that I was to work for one—for three men on the Republican ticket. I believe Hess—he mentioned Nutting especially, and Torbet.

Q. Tell us whether this work was to include your voting for Nutting?

(Mr. Brumm, on behalf of contestant, objected to the question as leading and cross-examination of incumbent's own witness.)

A. I understood it so.

Q. Tell us whether or not you understood from your conversation you had with Martin Monaghan that you were to vote for him?

(Mr. Brumm, on behalf of contestant, objected to all understandings and impressions of witness, and to the question as impertinent and immaterial, unless shown to be with the knowledge and consent of parties to the issue.)

Q. Tell us whether or not you understood from your conversation with Martin Monaghan at the time you received this money whether the work you were to do was to include your vote for Colonel Nutting?—A. As far as I could understand from his conversation, to do what I could for the Republican ticket—for Nutting.

Q. Well, tell us whether of not that was to include your own vote?

(Mr. Brumm, on behalf of contestant, objected to the question as leading.)

A. I suppose so. We were to do what we could.

(Mr. Brumm, on behalf of contestant, objected to the answer, that conversations cannot be evidence.)

Q. You say "we;" to whom do you refer?—A. The other parties.

Q. Who were the other parties?

(Mr. Brumm, on behalf of contestant, objected, and requested the notary to instruct the witness that he need not answer that question, as he has not shown what was done was done with the knowledge and consent of the parties to this issue, and that it cannot be testimony in this case.)

A. I am willing to answer. John Murphy, he told me, was one. Martin Monaghan told me that.

Q. Who else was another?—A. Well, he didn't mention no other name that I can remember—not in my presence.

Q. Did he tell the amount that he paid to Murphy?—A. No, sir; he didn't, whether he paid him anything or not.

Q. On this day did Martin Monaghan see you more than once?—A. He seen me twice on that day.

Q. At which time did he pay you the money?—A. The second time.

Q. The first time, what did he say?—A. He hadn't got the money.

Q. Where did he go then?—A. To Mahanoy Plain.

Q. To meet whom?

(Mr. Brumm, on behalf of contestant, objected to the last question and answer and to the question now propounded.)

Answer. He told me he met Captain Leib; I understood that was the man.

Q. Who else?—A. He told me he saw Nutting, Passmore, and Myer.

Q. What had they done—what took place?—A. I don't know; when he come back, he had plenty of money.

Q. Do you know that Colonel Nutting was in Mahanoy that day?—A. Yes; I know Nutting was, and I know Myer was.

Q. Tell us whether or not Monaghan spoke of the number of votes which was to be procured there?

(Mr. Brumm, on behalf of contestant, objected to the question as leading and suggestive of the answers to incumbent's own witness.)

A. Well, he had a list of the votes he was going to get in different places, and calculated to get thirty-one or forty-one out of the borough—Democratic votes in the borough of Gilberton.

Q. Did he say anything about any future sums to be paid if a certain number of votes were given?

(Mr. Brumm, on behalf of contestant, objected to the question as cross-examination.)

A. He did.

Q. What was it?—A. O, I didn't make no particular inquiries. I never expected anything after the thing was over. He said there would be more than that amount given anyhow.

Q. Did he name any particular amounts?—A. Well, he said it would be more than the amount given.

Q. The first time he was there he said he had not the money?—A. Yes; he had no money with him.

Q. When you came there the second time?—A. He had plenty of money.

Q. And it was then that this conversation took place and the money was paid?

(Mr. Brumm, on behalf of contestant, objected to this manner of cross-examination of incumbent's own witness.)

A. The conversation took place both times.

Q. Are you a Democrat in politics?—A. Yes, sir; I have always been a Democrat.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. What is your business?—A. Working in the mines. Monaghan told me he would give me a good job, too, if I voted——

Q. Did you sell your vote for $15 to Monaghan?—A. I didn't sell my vote.

Q. Did you vote to get this $15 contrary to your convictions at the last election?—A. No, sir; I did not.

Q. Did you tell any one that you got $15 for election purposes at the last election?—A. I did, I believe. I might not have told whom I got $15 of, but I told him I got $15.

Q. Who did you tell you got money?—A. I think I told Martin Dooly, if I ain't mistaken. I told a good many. I ain't no thinker at all.

Q. Did you tell anybody before election?—A. No; I didn't.

Q. Did you promise to work for the man he suggested to you?—A. I made no promises at all. He said he expected this from me.

Q. Then you took this money leaving him under that impression, did you?—A. Certainly, I did.

Q. Did you do what he expected you to?—A. No; I didn't.

Q. Then you deceived Monaghan, did you?—A. I don't know whether I did or not. I think I did perfectly right. It was my opinion of it.

Q. Did you vote at the last election?—A. I did.

Q. For whom did you vote for Congress?

(Mr. Nash, on behalf of incumbent, objected to the question, as he has not been shown to be an illegal voter.)

A. I voted for James B. Reilly and the whole Democratic ticket.

Q. Did you ever meet Colonel Nutting?—A. I saw him that day, and had a drink with the gentleman.

Q. What day?—A. The same day I got the money at McKeon's hotel.

Q. Did you give out any tickets on last election-day?—A. I gave out some Democratic tickets once.

Q. How much money did you get from the Democratic party at the last election?—A. Not a solitary cent.

Q. Were you promised any?—A. No, sir; it was too poor.

Q. How long before the election was it that you got these fifteen dollars from Monaghan?—A. I got ten dollars one day; it was a holiday; it was in the month that the election was, I think. I ain't certain, but I have it as an idle day at the mines. I think it was a holiday, for sure.

Q. That is the time you got ten dollars?—A. Yes, sir; a couple of days after I got the remainder.

Q. Did you promise Monaghan anything then?—A. I don't know; I don't think I made him any promises.

Q. Did you say anything to him about what you would do?—A. He showed me the list. I said, "Yes; double that would be made here"—the list that he expected to get.

Q. Did you tell him that you would help to get some?—A. I don't know as I said so. I suppose he understood it so.

Q. How much did you ask him for?—A. I don't know as I ever asked him. He came to me and wanted to do this for me. He said, "I have no money with me now, but I will see you again."

Q. Do what thing—he said you need not do what thing?—A. Distribute these Republican tickets.

Q. Then you got this money?—A. Yes; with the understanding that I would work for the Republican party.

Q. Then you did have a clear understanding that you were to work for the Republican ticket?—A. That was the calculation.

Q. If that was a clear understanding, you deceived Monaghan, then, did you not?—A. I thought it my duty to deceive him, as an American citizen—any man that will try to buy a man's vote.

Q. Did you pay your State and county taxes within two years of the last election?

(Mr. Nash, on behalf of incumbent, objected to the question as not cross-examination.)

A. Yes, sir. (Receipts produced.)

Q. You paid this tax for 1875 yourself, in cash?—A. Yes, sir.

Q. To whom?—A. To the collector.

Q. Where were you born?—A. In the State of Pennsylvania.
Q. Where?—A. Schuylkill County.
Q. Whereabouts?—A. New Castle Township.
Q. How long have you lived at Gilberton?—A. Since the fall of 1873, or winter—some time in the latter part of the fall or winter.
Q. You live in that part of Gilberton known as the Flour-barrel or middle ward?—A. Yes, sir; middle ward now.
Q. Did you live near McKeon's hotel there?—A. Yes, sir.
Q. Where did you vote?—A. I voted at McKeon's; that is where the ballot was kept.

Redirect examination by Mr. Nash:

Q. What parties did you meet at McKeon's the day you met Nutting there?—A. I said that Hiram Moyer was there, and Passmore, I think his name is; at least I was told so. They were there, and several other parties, and they had a drink. John Hoch was there with the party.

Recross-examination by Mr. Brumm:

Q. Did you see Monaghan getting money from Colonel Nutting?—A. No; I didn't.

FRANCIS O'BOYLE.

Sworn and subscribed before me this 8th day of March, 1877.

JAS. HUTTON,
Notary Public.

Francis O'Boyle recalled.

(Mr. Nash, on behalf of incumbent, objected to the witness being recalled. Notary decided that he could not be recalled.)

MICHAEL WELSH, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. Mahanoy Plain.
Q. That is in Gilberton borough?—A. Yes, sir.
Q. How long have you resided in Gilberton borough?—A. Between five and six years.
Q. Tell us whether or not you know of the offers of money, from Martin Monaghan or any other parties, to corruptly influence voters at the fall election of 1876, in favor of Colonel Nutting or in favor of the Republican ticket?

(Mr. Brumm, on behalf of contestant, objected to the question, unless it is shown that the offer was made by parties to this issue or with their knowledge or consent.)

A. Monaghan came up to me and told me——

(Mr. Brumm, on behalf of contestant, objected to conversations between witness and Monaghan, unless in the presence of one or both of the parties to this issue.)

A. He came up to me—he left word at the house and told me to come down, and I went down on Sunday; there was about five or six of us there, and Mr. Torbet came in there and he says it was all about the election, and he says, "You are to be all of the one ward." That was all there was at that time. Torbet came in and says——

Q. Never mind.—A. Monaghan and I came out and Monaghan says, "Don't vote for Mr. Reilly;" he says, "Let Mr. Reilly go this time. You will go and stand in North Cass Township." "I can't stand there

without some money; I ain't going to go on my own expense there," says I. He says, "I will see that all right; I will send you up some flour." I says, "No, sir;" and laughed in my own mind and I thought in my own mind. That is all he said at that time.

Q. Did you see him afterwards?—A. Yes, sir; I seen him afterwards and he told me not to go to Meckshersville. He gave me no money.

Q. Tell us whether he made any offers of money to you.

(Mr. Brumm, on behalf of contestant, objected.)

A. He told me that he would see me all right, that is all.

Q. Did he name any amount?—A. No; he didn't name any amount that he was going to give me, and I got nothing from him.

Q. Was this in the evening?—A. In the evening when he told me this; certainly it was in the evening, and at my own house.

Q. Did he name the party against whom you were to work?—A. I don't know what——

Q. Who was it he wanted you to work against?—A. He didn't tell me who.

Q. Did he say you were to work against Reilly or Nutting?

(Mr. Brumm, on behalf of contestant, objected.)

A. He didn't want me to vote for Reilly, that is all.

Q. What did you go to Cass Township for?—A. He wanted me to go there to get votes for him.

Q. For whom?—A. He never said anything to me.

Q. For what party?—A. His party.

Q. Was it understood that you were to work against Reilly?—A. He told me he didn't want me to vote for him; I voted for Reilly this year.

Q. Were there any other parties at Martin Monaghan's this night?—A. Yes; there were five or six there.

Q. Do you know who they were?—A. No; I didn't know who they were; they were all strangers to me.

Q. Was the election discussed there; was it talked about there?—A. Yes, sir; all about the election.

Q. Talking to the crowd, was he?—A. Yes, sir.

Q. Were you talking there, asking that crowd to vote against Reilly or Nutting?

(Mr. Brumm, on behalf of contestant, objected to the question as cross-examination of incumbent's own witness.)

A. I never spoke a word about Reilly there. He said, "Let Reilly go this year; let him go this once." "Yes," says I, "he never came to see me." "Let him go, then," says he.

Cross-examination by Mr. Brumm (reserving all exceptions and objections):

Q. You never sold your vote for an offer of a barrel of flour to you?—A. No, sir; I didn't.

Q. You never sold your political ideas for the offer of a barrel of flour?—A. No, sir; I never did.

Redirect examination by Mr. Nash:

Q. What were your politics?

(Mr. Brumm, on behalf of contestant, objected.)

(No answer.)

his
MICHAEL + WELSH.
mark.

Sworn and subscribed before me this 8th day of March, 1877.

JAS. HUTTON,
Notary Public.

THOMAS MCCOY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. At the Flour-barrel, Gilberton borough.

Q. You lived there and voted there at the last election?—A. Yes, sir.

Q. Tell us whether you know of the offer of or payment of any money for the purpose of influencing voters in favor of Colonel Nutting or the Republican ticket in the November election of 1876.

(Mr. Brumm, on behalf of contestant, objected to the question.)

A. No, sir; I never.

Q. Were you offered nothing?—A. No, sir; not for that purpose at all.

Q Tell us who offered you any money for any purpose.—A. No man ever offered me any money at all.

Q. Did you ever have a conversation with Monaghan prior to election?—A. Yes, sir.

Q. About the election?—A. He never told me anything at all concerning the election. I have been in his company for the last ten years now, and he never told me anything about the election, not as far as money is concerned; and I think it is so, too.

Q. When was this that you had a conversation with Martin Monaghan?—A. Well, I couldn't exactly tell; I didn't mind it much.

Q. How long before the election?—A. That I couldn't say; it was some time before the election.

Q. Who was with you at the time you had the conversation with him?—A. We were in McKeon's one day, at the Flour-barrel, and most of the conversation was over when I came in. He wanted me to go to Mahanoy City with him that day, and I did go along with him over there, and came back the same day, and there was no such thing as money mentioned.

Q. Who was there?—A. Francis McKeon and Francis O'Boyle.

Q. Tell us whether or not he was talking about money in regard to the election at that time.—A. Not in my presence.

Q. Tell us whether or not you knew that Monaghan was in there before you went in.—A. I can't answer that. I don't know. He was standing there as I went in, and as I went in they came out.

Q. Had you made arrangements before this to go to Mahanoy City with Martin Monaghan?—A. No, sir; this day that I was going I was going to the doctor's. I had a sore hand and I heard there was a good man there.

Q. Tell us now whether you received any money from Martin Monaghan for election purposes.

(Mr. Brumm, on behalf of contestant, objected that unless witness has already stated that he has received money, as far as election is concerned, it is illegal.)

A. No, sir; not for election purposes, never in my life. I have had dealing with the man at his door, but I never received one cent in my life for election purposes.

Q. Did you receive money within a month prior to the election?—A. I couldn't exactly say, either. I could receive money to day if I wanted it. I couldn't exactly tell you before the election when I received money from him. The man never gave me a cent, not a solitary penny in his life.

Q. How long before the election did you receive any money from Martin Monaghan?—A. O; indeed it was a long time, and I would tell

you the date; it was something, may be five or six weeks, before the election anyhow. I had a sore hand and I was going down to the doctor. He gave me a few dollars to go down to the doctor, and there was nothing said about the election at all.

Q. How many dollars?—A. Five.

Q. Was this the day you went to Mahanoy City?—A. No, sir; it was long before that.

Q. Was it on a holiday that you received this money from Martin Monaghan?—A. No, sir; it was not. The breakers was a working, and I don't suppose it was a holiday.

Q. Where did you receive it?—A. In my own house.

Q. Tell us whether or not you sent in to Martin Monaghan to come out and give you the five dollars.—A. No, sir.

Direct examination continued by Mr. Campbell:

Q. In your house or in his house?—A. In my own house, or, at least, I couldn't say inside of the house, but it was there anyhow.

Q. Did he give you the money or did you ask it of him?—A. I asked it of him.

Q. Tell us whether or not you have seen him since you were subpœnaed here.—A. I don't know whether I have seen him since or not; I believe I did.

Q. Since you were subpœnaed here?—A. Yes; at Shenandoah.

Q. When did you see him?—A. I think I seen him day before yesterday.

Q. Where?—A. In Ashland.

Q. Did you tell him you were subpœnaed?—A. Yes; I did.

Q. Did you show him your subpœna?—A. I did.

Q. Had you a conversation then about this case?—A. No, sir; we had not the first word about it. There was a crowd of fellows there when I was going to town, and I seen him and stopped there a while talking with him, and as I was going along I told him I was subpœnaed into Shenandoah, and that was all about it.

Q. Did you see Mike Monaghan since you were in town to-day?—A. Yes, sir; and had my dinner with him.

Q. What time did he take you away?—A. I guess it was pretty near dinner-time. It was something after 12 o'clock.

Q. At ten this morning?—A. No, sir; it was no such a thing; it was after twelve this morning, or it is day at least.

Q. What time did you meet him this morning here?—A. I couldn't exactly tell what time of day it was; he was right down here when I met him, and we stood there, and he offered me to come down and have dinner, and I went and had my dinner and went back.

(No cross-examination.)

his
THOMAS + McCOY.
mark.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

ANTHONY DEVITT, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. In Shenandoah.

Q. In what ward?—A. In the fifth ward, on Center street.

Q. Tell us whether or not you know of the corrupt use of money to influence voters at the election in the fall of 1876, in favor of Colonel Nutting for Congress, or the Republican ticket.

(Mr. Brumm, on behalf of contestant, objected to the question as irrelevant, immaterial and premature, unless it is shown that it was used by or with the knowledge and consent of either of the parties to this issue, and requested commissioner to instruct witness that if his answer will criminate him or tend to criminate him he need not answer it.)

A. Well, he came to me——

Q. Who?—A. Monaghan.

Q. Which one?—A. Martin Monaghan.

Q. Of what place?—A. Here in Shenandoah, and he wanted me to give my influence for him, to go for Nutting, and that he would pay me good for it. It was on the Tuesday or Wednesday before the election; he gave me ten dollars, and he said he would let me have more if I would just give my influence to him. It was Colonel Nutting's money.

Q. Well, go on.—A. He gave me more than what he gave latterly. I had it to spend on the ticket. He said he would be up on Saturday; that was the time they were speeching here. That was Red Martin Monaghan—Martin Monaghan, of Ashland.

Q. Was that the man that gave you the money?—A. Yes, sir; that was the man that gave me the money. He said he would give me more, but I don't know how much, but I was sure he would give me one hundred and fifty anyhow. He said it was Nutting's money; that Torbet was using his money in the poll; it was Nutting's money he gave me, and Torbet was using his own money in the poll.

Q. Tell us whether or not he told you that he had put out more money in Shenandoah.

(Mr. Brumm, on behalf of contestant, objected to this system of cross-examination; that conversations of Managhan, not in the presence of either of the parties to this issue cannot be evidence.)

A. Mr. Nutting's money; it was his money that he was paying

Q. Tell us whether or not Martin Monaghan told you how much more money he was going to give anybody else.

(Mr. Brumm, on behalf of contestant, objected.)

A. He gave one man twenty dollars that night.

Q. Did Martin Monaghan tell you that he paid other people money for this purpose?—A. He told me that he gave twenty dollars to another man.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. Did these ten dollars influence your vote; did you sell your vote for ten dollars?—A. I wouldn't for a hundred; if he was running for Congress himself I might do a little for him, but when he was not——

Q. Answer my question. Did you sell it for ten dollars?—A. Indeed I didn't; I would cut my throat first before I would take it.

Q. This ten dollars was given to you for what purpose did you say?—A. It was Nutting's money; to give Nutting my influence.

Q. Did you give your influence for these ten dollars?—A. No, sir, I didn't.

Q. Then you deceived Monaghan upon that proposition, did you?—A. To be sure I did.

Q. Well, did you deceive him because you did not get quite enough

money?—A. If he would give me all he was worth I would do it. I never busted my ticket; I did it once for L'Velle, and I never will do it again if I live for ninety years.

Q. You said you expected a hundred or a hundred and fifty dollars more?—A. That was nothing.

Q. And then you were disappointed in not getting that—you were disappointed?—A. I never asked the man for anything more.

Q. You were disappointed, then, in not getting the one hundred and fifty dollars?—A. He didn't promise me, but I thought he would give it to me; I was not disappointed, because I did not expect it.

Q. Awhile ago, when Mr. Nash examined you in chief, you said you thought you would get one hundred and fifty dollars. Now you say you do not expect it?—A. I thought that he would.

Q. Then if you thought that he would give $150 more, you expected that you would get it?—A. No, sir; I didn't expect it. I thought there was too many tricks in him.

Q. Answer my question.—A. Didn't I answer it?

Q. If you thought that you were to get $100 or $150 more from Monaghan, then you expected to get that, didn't you?—A. I don't know, I expected so many tricks in the man.

Q. Then you did not tell the truth when you said you thought you would get it?—A. I thought he was a liar, and that a damned one.

Q. Now, answer the question. You swore awhile ago that you would get $100 or $150 from Monaghan, you thought. Did you think so?—A. When I found that he was a damned liar——. I thought he would by the way he spoke.

Q. You expected to get that $150?—A. If I got all Nutting was worth——

Q. Answer my question. Now, then, you say that you thought from his talk that you would get $100 or $150 more from Monaghan; is it true that you expected to get that money from him?—A. I voted and I say no more; if you will get him here he will tell you.

Q. But you expected to get the $150 more and did not get it and were disappointed?—A. If he gave me all Nutting was worth it would be all the same——

Q. Please answer the question, yes or no. You expected to get $100 and did not get it, and you were disappointed in not getting that money?—A. I know that he was a fraud——

Q. Were you not disappointed?—A. I didn't expect it at all, for I found him a damned liar.

Q. Were you not disappointed?—A. He didn't promise me no amount at all, but I thought he would——

Q. Were you not disappointed—that $150 more?—A. Certainly; I will leave it to yourself.

The COMMISSIONER. Answer the question.

A. I didn't expect it when I found him out, and he was a damned fraud——

Q. Answer the question.—A. I thought I would get as much as I could out of him. I didn't expect it, because I thought he was a damned liar.

Q. Were you not disappointed?—A. I didn't expect it.

Q. Well, then, when you said you thought from his talk you would get it, was that true or false?—A. It was false ——

Q. Then you told a falsehood?—A. No, sir; when I found him out a liar——

Q. You swore awhile ago that you did expect to get it; now you say you did not expect to get it?—A. Yes; I did.

Q. Before you found him out a liar you expected to get it from him?—A. By his own talk——

Q. You did not get it?—A. No.

Q. Were you not disappointed because you did not get that $150?—A. I didn't expect it.

Q. You expected to get that $150, did you not?—A. By his talk——

Q. You did not get it; were you not disappointed by his talk?—A. I didn't expect it; because I found him out a damned liar a few days after.

Q. You swore that you did expect from his talk you would get $150, and just now you swore that you did not expect it; which is true? When did you swear to the truth and when did you swear to a lie?—A. When did I swear to a lie?

Q. You have sworn to a lie here to-day.—A. I did not swear to a lie.

Q. You swore here that according to the conversation of Martin Monaghan you expected to get $100 or $150 more?—A. By his own talk——

Q. Was that true?—A. When I found him out a liar I didn't expect to——

Q. Was that true when you swore to it?—A. When he gave me the ten dollars——

Q. You swore that according to the conversation of Martin Monaghan you expected to get $150 more; did you swear to the truth when you said that?—A. Well, now, you must be a man of queer mind. I swore just now that he told me——

The COMMISSIONER. Do you positively decline to answer the question?

A. What will I say?

Q. You swore a while ago that according to what Monaghan said you expected to get $100 or $150 from him. When you swore to that was that true?

The COMMISSIONER. Which is it, yes or no.

A. I swore to the truth.

Q. After you swore to that you have since sworn that you did not expect it.—A. It was true, because I found him out a liar.

Q. When you found him out a liar and did not expect it, were you not disappointed because you did not get it?—A. I didn't expect it, and I didn't bother my head about it.

Q. When you found that you were deceived by Monaghan and were not to get this money as you had first expected, were you not disappointed because you did not get it? Answer that, yes or no.—A. I was when I didn't get anything.

Q. When you found that you were disappointed in this matter, was that before or after the last election?—A. Before the election, and he was promising it the day before the election.

Q. And up to that day you were promising him you would use your influence for the party?—A. Indeed I didn't promise him at all.

Q. Did you not say awhile ago that when he paid you the ten dollars it was understood—you had left him under the impression that you were going to vote for the Republican party, and that you had deceived him? Did you not swear to that awhile ago?—A. No, sir; I did not.

Q. Did you not say "to be sure I received money?" You deceived Monaghan in not using your influence, as you had led him to believe you would use it, for the ten or fifteen dollars, or whatever it was. I ask the question again, when he kept promising you this money up to the day before election, were you not promising him all the time up to the

day before election that you would work for Nutting?—A. No, sir; I told him I would do no dead work to vote for you and the like of you.

Q. Did you not leave him under the impression that you would use your influence?—A. I would not give him——

Q. You never left Monaghan under the impression you were going to use your influence for Nutting?—A. He knowed damned well himself I would not.

Q. What did you mean when you swore awhile ago you deceived Monaghan?—A. I was sorry I didn't get more out of him.

Q. What did you mean awhile ago when you swore as follows: "To be sure I deceived Monaghan?"—A. I would and I deceived him too.

Q. What did you mean when you swore awhile ago that to be sure you deceived Monaghan?—A. I told you a while ago that I deceived him, and that is all I am going to tell you; if you don't like it you can——

The COMMISSIONER. It is your duty to answer that question.

Q. You swore awhile ago as follows: "To be sure I deceived Monaghan." Wherein did you deceive him?—A. Didn't I tell you I would do the same——

The COMMISSIONER. Answer the question. Do you say you cannot answer it on your oath?—A. I tell you plump and plain, if it was a black man on the ticket I would not go back on my oath.

Q. Do you now swear on your oath that you cannot answer the question as to what you meant when you said you deceived Monaghan?

(No answer.)

The COMMIISSONER. Answer the question.

A. I would take your money just the same as Monaghan's.

Q. Answer my question.—A. Didn't I tell you all about it?

Q. Can you explain what you meant when you deceived him?—A. The man didn't think I would vote for him, but to make me fight at the poll for him.

Q. Was that the reason?—A. I don't know if it was or not. I lost a little money before, and I wanted to make it up.

Q. You swear that you got that money from Monaghan, and that he didn't expect you to vote for Nutting, but wanted you not to fight against him at the polls?—A. He wanted me to go for Nutting and Torbet.

Q. When you swore awhile ago that you did not expect to vote for Nutting——A. Well, I know he didn't expect me to vote for Nutting. I think so.

Q. Once you swore here that you did get this money to vote for Nutting; at another time you swore that Monaghan did not expect you to vote for Nutting; which is true?—A. The first one, because he told me plain that it was——

Q. If the first one is true, the last one is false, is it not?—A. He didn't expect it. I thought he didn't expect it.

Q. How much money did you get from Mr. Reilly?—A. Not a cent.

Q. James B. Reilly?—A. Never got a cent.

Q. How much money did you get from any one of the Democrats before the last election?—A. Never a cent but five dollars that I got from Isaac Borden a long time ago. I knew a man, Henry Neuman, that got some men to stand at the polls, and I got a few dollars of that at the last election.

Q. Who is Henry Neuman?

(Mr. Campbell, on behalf of incumbent, objected.)

A. Another one gave it to me, but it came from Henry Neuman.

Q. Where does Neuman live?—A. Not far away. He is the landlord of this house that we are in now.

Q. Where did Neuman get this money?—A. He got it from the Democratic standing committee; so I hear. I got a few dollars for standing at the polls.

Q. How many dollars?—A. Near about five dollars.

Q. Were you promised any more money by the Democrats?—A. No, sir; if I got it from James Reilly I would not take it from him.

Q. Were you promised any since the election by the Democrats?—A. No, sir; none.

Q. Were you promised any before the election to be paid since?—A. No, sir; I never was.

Q. You would not take any money from the Democrats, would you?—A. No; I would not.

Q. Only five dollars?—A. That is all.

Q. If they had offered you more?

(Mr. Campbell, on behalf of incumbent, objected.)

(No answer.)

Q. Who gave it to you?—A. I met a man there on the morning and he gave it to me.

Q. Who?—A. John Reilly gave me five dollars.

Q. When did he give you the five dollars?—A. On the morning of the election he gave it to me and said to stand at the poll.

Q. Then you were first bought by the Republicans?—A. No; I was not bought.

Q. Then you were first bought by the Republicans for $10, and on the morning of election you were rebought by the Democrats for $5?

(Mr. Campbell, on behalf of incumbent, objected to the question as illegal.)

A. No, sir; I would not sell my vote, and did not do it.

Q. After you were called into this room to testify this afternoon you went into the side-room after Mr. Reilly and Mr. Nash, counsel for Mr. Reilly, before you were sworn?—A. I did.

Q. You remained in there some minutes, did you not, with them?—A. It was not many minutes; I did not stop long.

Q. Then you came out and went on the stand, the witness-stand here?—A. Yes, sir.

Q. Did you pay any taxes within two years previous to the last election?—A. I was collecting taxes all the time.

Q. You were appointed tax-collector then by the Democratic commissioners of Schuylkill County?—A. Yes, sir; and by the Republicans for borough-tax in 1875.

Q. What Republicans ever appointed you tax-collector?—A. There was four Germans on that board and one Irishman, and I got the appointment.

Q. Was there a majority of Republicans or Democrats?—A. I don't know what they were.

Q. If you didn't know what the politics of those men were that appointed you, it was not true when you swore a while ago that Republicans appointed you tax-collector for school and borough tax; that was not true, was it?—A. Some was on the board.

Q. Did you pay your State and county taxes for the last year—1876?—A. No; I didn't.

Q. Did you pay your State and county tax with cash for 1875?

(Mr. Campbell, on behalf of incumbent, objected to the question as not cross-examination.)

A. Myself and Henry Neuman was collecting, and we have had no settlement yet.

Q. Was Newman collecting for 1875?—A. He was.

Q. Did you pay in cash the State or county taxes for 1874?—A. Ask the borough counsel. I did.

Q. When did you pay it?—A. Last spring; last May, or some time thereabouts, I squared up my account with him.

Q. Then you were the collector yourself for State and county taxes?—A. Yes, sir.

Q. Where were you born?

(Mr. Campbell, on behalf of incumbent, objected to the question, as witness has been questioned in direct examination only concerning the corrupt use of money by Martin Monaghan to influence the voters in favor of Colonel Nutting, the contestant.)

Q. Were you ever naturalized?—A. You are right, I was. I was born in Ireland.

Q. Have you got your papers with you?—A. No, sir; I got them on the 5th of September, 1859.

Q. Did you ever swear your allegiance to this country?—A. To be sure I did. If I didn't how could I get my papers?

Q. Did you ever swear more than once before in court in the United States on the subject of your naturalization?—A. I did the first time I got the first paper. Mr. Devers was along with me.

Q. For whom did you vote for Congress at the last fall election?

(Mr. Nash, on behalf of incumbent, objected to the question, as witness has not been shown to be an illegal voter.)

A. I guess you know who I voted for. I got the ticket from Muldoon's son, behind here.

Q. For whom did you vote for Congress at the last fall election?—A. I voted for James B. Reilly.

Redirect examination by Mr. Nash:

Q. When you went into that room after Mr. Reilly and myself, Mr. Reilly and I were talking, were we not?

(Mr. Brumm, on behalf of contestant, objected to the question as leading.)

A. I guess you were talking together. I didn't know what subject you were on.

Q. You asked us not to put you on the stand?—A. Yes, sir.

Q. And I told you, "Yes, that you must"?—A. Yes, sir; that was the talk.

Q. Was anything further said?—A. No, sir; no, you didn't.

Q. When you settled up your duplicate last year, at the time you were tax-collector, you included in your settlement your own taxes?

(Mr. Brumm, on behalf of contestant, objected to the question as leading and suggestive of the answer to incumbent's own witness.)

A. I did. Ask the commissioner or treasurer.

Q. Now, do you know of the fact that $15 worth, or thereabouts, of postage-stamps was left at Michael Monaghan's as security for money to be paid to him to influence voters in favor of the Republican ticket, including Colonel Nutting?

(Mr. Brumm, on behalf of contestant, objected to this system of cross-examining incumbent's own witness, and that it is irrelevant and immaterial unless it is shown that Mr. Reilly or Mr. Nutting were present, or that they gave these stamps, or that they were given with their knowledge or consent.)

A. Monaghan will tell you all about that.

Q. Do you know anything about that?—A. He will prove that himself. I don't know, only I heard him say it.

Q. Who?—A. Monaghan himself.

Q. Tell us what he told you about it.—A. I heard him say that they had not any money there, except fifteen dollars' worth of postage-stamps.

Q. Where were the fifteen dollars' worth of postage-stamps?—A. I suppose with Monaghan. He said there was no money but postage-stamps.

Q. Did he tell you where he got them?—A. I don't think he did.

Q. What did he get them for?—A. I don't know.

Q. What are your politics?

(Mr. Brumm, on behalf of contestant, objected.)

A. I was born a Democrat, and will die one.

Q, What is John Reilly in politics?—A. That is more than I can tell you.

Q. How was he working in the late election?—A. That is more than I can tell you.

Q. What is Newman; is he a Democrat or a Republican?—A. O, that is a horse of another color. I don't know what his politics is. He is here himself; go and ask him about it.

Q. Don't you know he is a Democrat?

(Mr. Brumm, on behalf of contestant, objected to the question as cross-examination.)

A. That is more than I can tell you.

Q. Does he not vote with the Democratic party?—A. Sometimes he does, I believe, and sometimes he does not.

Q. Do you not know that John Reilly worked for the Democratic ticket?—A. That is more than I can tell.

Q. But he claimed he did?—A. Yes; I suppose he did.

Q. Did he not talk for it?—A. I don't know.

Q. Do you not know that before the election John Reilly talked for the Democratic ticket?

(Mr. Brumm, on behalf of contestant, objected to this system of cross-examination.)

A. I used to hear him talk. He was talking in favor of the Democratic party.

Q. Do you not know that he was a strong political friend of Mr. Reilly in the last fall campaign?—A. He ought to be.

Q. Don't you know that he was?—A. I am sure I don't know.

Q. Do you not know that Henry Newman was chairman of the Democratic committee in this town?—A. He was.

Q. Do you not know that, as such chairman, he worked for the Democratic party?—A. I suppose so.

Q. Do you not know it?—A. He might, for all I know.

Q. Do you not know that he did?—A. He might; I should not wonder a bit if he would.

Q. Do you not know that he did?—A. I don't know.

Q. Had he not talked with you in favor of it?—A. It is very seldom that we had any discourse.

Q. Have you not heard him talk in favor of it?—A. That is more than I can answer.

Q. Tell us whether you are certain you know who was on your ticket for Congress.—A. I told you; I think I did know who was on it.

Q. Did you read it?—A. I looked at it.

Q. Whose name was on it?—A. James B. Reilly was on it.

Q. Then you are a Democrat?

(Mr. Brumm, on behalf of contestant, objected to the question as leading and cross-examination.)

A. I am a Democrat, and I told that before.

ANTHONY DEVITT.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

C. SWEESY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In James Patch; first house.

Q. In what township?—A. West Mahanoy Township, I think it is.

Q. How long have you lived there?—A. Since the latter part of April last.

Q. Where did you come from when you came there?—A. From Omaha, Nebr.

Q. How long were you in Omaha, Nebr.?—A. I think I came there in the latter part of August last.

Q. Last August?—A. Yes, sir.

Q. August, 1875, do you mean?—A. Yes, sir; I remained there until the middle of April; then I left there.

Q. And came where?—A. I came here.

Q. What time did you come here?—A. I think on the 25th of April; I am not certain.

Q. From where did you go to Omaha?—A. Philadelphia.

Q. What time did you leave Philadelphia?—A. I can't remember exactly the day; it was in August.

Q. And went to Omaha in August?—A. Well, no; I can't say whether it was or not. I came up through this way and staid a day or two in Lost Creek and staid a day or two in Pottsville. I don't remember the day exactly.

Q. How old are you?—A. I will be twenty-five in November next.

Q. Where did you reside from April until election?—A. From last April?

Q. Yes.—A. After I got here I stayed in Lost Creek. I went to work the first of April in the Lost Creek store.

Q. Did you vote at the last November election?—A. Yes, sir.

Q. In what township?—A. In West Mahanoy Township.

Q. Tell us whether or not you paid State and county taxes personally within two years prior to last election.—A. For 1876; I don't know whether it was State, or county, or school, or State and county taxes; yes, sir.

Q. You paid this yourself, or——A. Yes, sir; I generally pay my own bills.

Q. To whom?—A. William Hay paid it for me and I paid it to him. I hadn't time to go over to Raven Run, and I asked him to do it for me.

Q. When was it you asked him to go over to Raven Run?

(Mr. Brumm, on behalf of contestant, objected.)

A. It was some time during the summer time.

Q. Do you know when you got this receipt?—A. No; shortly after. I asked him if he was going over there, and if he would get my receipt and I would pay him the money.

Q. Tell us whether it was on Monday or Tuesday, or what day of the week it was.—A. I could not tell you that; I didn't make any note of it.

Q. Try and remember what day of the week it was.—A. I can't remember.

Q. Was it a week before the election?—A. O, yes, long before that; it was over a month.

Q. Do you remember whether it was on a Saturday that you got it?—A. I think it was in day-time.

Q. Do you remember whether it was on Saturday at all?—A. No, sir; I can't tell you.

Q. William Hay has sworn, in his testimony at Ashland, that all the taxes he paid for other folks were paid on Saturday, on the 7th of October, 1876, and that he sent it by other parties to different folks. Tell us whether you got this receipt on a Saturday; or, if you didn't, what other time you got it.

(Mr. Brumm, on behalf of contestant, objected to this question, first, that what William Hay or any person else swore to cannot be used in the examination of this witness, unless the record is here to show that the counsel's question is correctly put as the answers of said Hay; second, that the question presumes that all the taxes that were paid by Hay for other persons were paid on a certain day or night; that this witness has sworn that Hay didn't pay the tax for him, but that he simply paid the taxes, and that witness then paid Hay the money, Hay acting as agent for witness, because witness had not the change exact when he sent him over to pay these taxes; third, that it is cross-examination of incumbent's own witness; and, finally, that it is irrelevant, immaterial, and tends to contradict.)

A. I can't tell.

Q. Did you get this receipt the day it is dated?—A. I can't tell you.

Q. How long after did you pay for it; did you pay for it the day you got it?—A. No; I think I paid for it before I got it. I thought he was a man that I could trust, and I gave him a dollar note and we could not make the change.

Q. Do you swear now that you gave Mr. Hay the money before you got this receipt?—A. Yes, sir.

Q. How much was it?—A. Eighty-three cents.

Q. Did you go out to Omaha for the purpose of living out there?—A. That is my business. I won't answer no such question as that. It is none of your business. I ain't obliged to answer that question.

Q. Did you go out there for the purpose of living there?—A. Yes, sir; I went out there with the intention of living there.

Q. Did you pay any taxes besides the one mentioned in this receipt within two years prior to last election?—A. I think I paid taxes in Philadelphia. I voted there, and I don't think they would let a man vote there unless he paid taxes.

Q. When did you pay taxes in Philadelphia?—A. About 1873. I ain't certain of this, for I have not got my tax-receipts to show.

Q. Where did you vote in 1875?—A. I didn't vote at all.

Q. Were you out West then?—A. Yes, sir; the latter part of 1875 I was in the West.

Q. How long did you live here in Philadelphia before you went out there?—A. I think I went to Philadelphia in 1869 or 1870.

Q. From where?—A. New Jersey.

Q. State whether or not you were in Philadelphia from 1869 to the time you went West.—A. I was in Philadelphia from the time I went there until I went to Omaha.

Q. What year?—A. I came here in 1876; I went there in 1875 from Philadelphia.

Q. All the tax you paid was the tax on that receipt?—A. Yes, sir; all I have been assessed for.

Q. The only tax you paid yourself personally, you paid to William Hay?—A. Yes, sir; he paid it for me and I paid it to him.

Q. Were you present when this tax was paid for you by William Hay?—A. No, sir; I didn't go to Raven Run, or I would have paid it myself.

Q. Can you tell what time in the day you got this tax-receipt from William Hay?—A. No, sir.

Q. Can you tell whether it was at night or not?—A. No, sir.

Q. It was not night?—A. I can't tell.

Q. You have sworn here already that you didn't get this tax-receipt on a Saturday night.—A. I don't know.

Q. Did you know how much tax you were assessed before you paid this tax?—A. No.

Q. Did not know whether it was a dollar, or a dollar and a half, or how much?—A. No, sir; I did not know, but I loaned him a dollar note and told him to pay it for me.

Q. You said awhile ago that you gave him a dollar and he could not make change.—A. Yes, sir.

Q. At the time he gave you the tax-receipt, did he give you the change?—A. Yes, sir.

Q. Was it the same day he came back from Raven Run?—A. I don't know; I didn't watch his movements.

Q. Was it on the same day that he came back from Raven Run that he gave you this receipt?—A. I couldn't tell.

Q. When did he give you the tax-receipt?—A. I couldn't tell that; it might have been on the road or in the store; I don't know whether he sent it to me or not.

Q. Then you don't know how the receipt came to you, or through what channel it came?—A. I know it came through Mr. Hay.

Q. You don't know whether it came by him personally or not?—A. I don't know whether he gave it to me or not; but either Mr. Hay or his nephew gave it to me, one of the two; I think he sent it to me by his nephew.

Q. He paid you the change back, did he?—A. Whoever gave me the tax-receipt gave me the change back.

Q. You are not certain whether it was Mr. Hay?—A. He or his nephew, one of the two.

Q. Tell us whether or not you did not receive this tax-receipt on the day of election.—A. I can't tell you.

Q. On the day of election or not?—A. I received that long before the day of election.

Q. How long?—A. I can't tell; it was quite a while before the election; long enough to give me the right to vote.

Q. This receipt was paid on the last day for paying taxes to give you the right to vote and was paid—where was it paid?—A. At Raven Run.

Q. Did you get it in the evening or in the day-time?—A. I can't tell right.

Q. For whom did you vote for Congress at the last November election of 1876?

(Mr. Brumm, on behalf of contestant, objected to the question as witness has not been proven an illegal voter.)

Q. Had you had any conversation about this contest with Hay?—A. No, sir.

Q. You have not had any conversation with Hay about this thing at

all?—A. No, sir; I came here of my own accord. I have had no conversation with Hay at all whatever.

Q. Since the fall election of 1876 have you had any conversation with any one else in regard to this receipt and the payment of your taxes?—A. I spoke to Mr. Beaufort, of Lost Creek, that I was subpœnaed here to-day.

Q. Had you a discussion with him about your tax?—A. I told him I had paid my tax.

Q. Tell us whether or not you were sworn at the election last fall as to your right to vote.—A. I was sworn as to whether I was born in this country.

Q. Did you sign any affidavit?—A. No, sir.

Q. Did any person sign you an affidavit?—A. No, sir. Yes, I was assessed, paid taxes, and had a right to vote.

Q. Tell us whether or not any person swore as a witness for you inside of the election board.—A. The election board said they didn't want any witnesses.

Q. Were you challenged?—A. I was asked for my papers, and that is all.

Q. Was no affidavit filled up for you at the election?—A. No, sir.

Q. Did you sign no affidavit?—A. No, sir.

Q. Do you know whether you were assessed for taxes in that township?—A. I paid my taxes; I must have been assessed.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. You were a resident of this State before you went to Omaha, were you not?—A. Yes, sir.

Q. And you came back to this State and was here over six months before you voted, were you not?—A. Yes, sir; I came, I think it was the 25th of April I came to Lost Creek.

Q. You say you have paid the tax on this receipt dated—

"WEST MAHANOY TOWNSHIP,
"*October* 7, 1876.

"Received of Henry Sweesy eighty-three cents in full for State, county, building, and interclosure taxes for the year 1876.

"JOHN DONNELLY,
"*Collector.*"

A. Yes, sir.

Q. John Donnelly is collector in your township, is he not?—A. Yes, sir.

Redirect examination by Mr. Nash:

Q. For whom did you vote for Congress at the last November election?—A. I voted the Republican ticket.

Q. Who was on that ticket for Congress?—A. I think Mr. Nutting.

CASENCE SWEESY.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

JOSEPH HARLOR, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In Raven Run.

Q. In what township?—A. West Mahanoy.
Q. How long have you lived there?—A. Four years this month.
Q. Did you vote there at the fall election?—A. Yes, sir.
Q. Where were you born?—A. In the ould dart.
Q. In what country?—A. In Somersetshire.
Q. In what country?—A. In England.
Q. How old are you?—A. I am forty-eight.
Q. When did you come to this country?—A. I came in this country in 1856.
Q. Is this your naturalization-paper?—A. Yes, sir.
Q. Is that the only paper you have?—A. Yes, sir; I went to Pottsville to get them and that is all I got. I was never there but once.

(Mr. Nash, on behalf of incumbent, offered in evidence the naturalization-paper dated the 1st day of May, 1876, reciting that there personally appeared Joseph Harlor before the said court, who upon his solemn oath did depose and say that he is a native of England, now residing in the county of Schuylkill, aged forty-seven years or thereabouts, and that it is *bona fide* his intention to become a resident of the United States and renounce forever all allegiance and fidelity to any foreign prince, potentate, or sovereignty whatsoever, particularly to Queen Victoria, Queen of Great Britain and Ireland, to whom he was before a subject. "In testimony whereof I have hereunto set my hand and affixed the seal of the said court at Pottsville the 1st day of May, in the year of our Lord 1876. Thomas F. Kearns, prothonotary." Incumbent proposes to offer a certified copy of the above declarations in evidence.)

Q. For whom did you vote for Congress at the fall election of 1876?

(Mr. Brumm, on behalf of contestant, objected to this question as irrelevant and immaterial.)

A. I voted for Hayes.
Q. Not for Congress. For whom did you vote for Congress?—A. I can't say.
Q. What ticket did you vote at the last fall election?—A. The full ticket.
Q. Republican or Democratic?—A. The Republican ticket.
Q. James L. Nutting was running for Congress on the Republican and James B. Reilly on the Democratic ticket?—A. I voted the full Republican ticket; that is as far as I understand, anyhow. I had it given to me.
Q. From whom did you get your ticket?—A. Upon my soul, I couldn't hardly tell. I was told the ticket was right, anyhow.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. You cannot read print?—A. No, sir.
Q. You did not read your ticket?—A. No, sir.
Q. Then you do not know of your own knowledge for whom you voted for Congress?—A. Only by the ticket I had given me.
Q. And that is only by what somebody else told you?—A. Yes, sir.

his
JOSEPH + HARLOR.
mark.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

JOSEPH METZ, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. Griscom's.

Q. Is that in West Mahanoy or East Mahanoy?—A. West Mahanoy, at Lost Creek.

Q. How long have you lived there?—A. Since 1866.

Q. Are you a native of this country?—A. Yes, sir.

Q. Where were you born?—A. In Lehigh County.

Q. Tell us whether or not you yourself have paid the taxes within two years prior to last election.—A. Yes, sir.

Q. To whom?—A. To the man I got the receipts from. I guess I paid John Dean the last tax I voted on.

(No cross-examination.)

JOSEPH METZ.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

WILLIAM WILKINSON, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In Lost Creek.

Q. You live in Lost Creek?—A. Yes, sir; I live there now.

Q. In what township?—A. West Mahanoy.

Q. How long had you lived there before the last election?—A. I have lived there now, it is eight years last or this March, I forget which.

Q. Where were you born?—A. In Great Britain.

Q. When were you born?—A. In 1841, July 22.

Q. When did you come to this country?—A. In 1863, August 22.

Q. Have you got your papers here?—A. No, sir. I was burned out the 18th, Sunday morning, and——

Q. Where did you get your naturalization-papers?—A. At Potts ville.

Q. How often were you there for them?—A. Once.

Q. When did you get your paper?—A. To the best of my knowledge, in 1864.

Q. Who was your witness?—A. Charles D. Kaier was my voucher.

Q. Tell us whether or not you paid State or county taxes within two years prior to the last election?—A. Yes; I did.

Q. Have you got the receipts?—A. No, sir; I lost everything I had in the fire.

Q. To whom did you pay it?—A. I couldn't tell you honestly.

Q. When did you pay it?—A. In 1875, at the last pay-day.

Q. Try to remember and see to whom you paid it.—A. I could not tell you; I was attending to my daily employment, and I could not tell you who it was, but I think it was John Cochlin.

Q. To whom did you pay it?—A. My wife paid it.

Q. Tell us whether it was in 1874 she paid it to Cochlin?

(Mr. Brumm, on behalf of contestant, objected to the question as leading and suggestive of the answer to incumbent's own witness.)

A. I would not swear; I paid my taxes in 1874 and 1875, to the best of my knowledge; but 1876 I did not pay it. I was exempt on account of sickness. That was by Burk; he is living in Mahanoy Township; he told me I hadn't any call to pay any taxes.

Q. Did you pay any taxes to John Dean?—A. No; I don't believe I did. To the best of my knowledge, I don't know whether I did or not.

Q. Did you pay any taxes to Anthony Carey?—A. Who is he?

Q. He was collecting taxes for John Dean.—A. No, sir; I didn't pay any to him, because in that year I was exempt.

Q. In 1875 did you pay any?—A. I think I did; I would not swear; my woman is attending to those things; and I voted on those papers and had my tax-receipts.

Q. Did you ever pay the taxes to John Dean?—A. I could not swear to that, to the best of my knowledge.

Q. Did you ever have a receipt for taxes paid to John Dean?—A. Now that I couldn't swear to, to the best of my knowledge; no, I couldn't.

Q. But you do remember that you paid taxes to John Cochlin?—A. Yes, sir.

Q. Tell us whether or not that is the last tax you paid—the one to John Cochlin?—A. I could not swear that; but I can swear that I paid 1875, and took an oath on it.

Q. To whom did you pay it?—A. That I could not say.

Q. Whose name was on the receipt?—A. I couldn't tell that.

Q. When were these receipts burned up?—A. On the 18th of last month, on Sunday morning. I suppose it was on the 18th. I lost all I had. Between four and five o'clock in the morning I was burned out. I have not a thing I can show as my own.

Q. Tell us whether or not you were challenged for taxes at the last election?—A. No, sir.

Direct examination continued by Mr. Campbell:

Q. Were you challenged at all?—A. No, sir; I was not. All I had to do was to swear that I had my papers.

Q. Your papers were not burned before the last election?—A. No, sir.

Q. Were you challenged then?—A. No, sir.

Q. Were they burned before the last township election?—A. Yes, sir. I was not challenged; I voted right along.

Q. What time of the year was it you paid Cochlin?—A. I could not tell.

Q. You did not pay any taxes yourself; your wife paid them?—A. Yes, sir; she paid them.

Q. Have you seen the receipts for 1875 taxes?—A. Yes, sir; I think I have seen them.

Q. How much was it for?—A. It would take a fellow to study on that awhile, I guess.

Q. Whose name was signed to it?—A. I couldn't tell, that is a fact. I suppose the duplicate will tell. Last year I was exempted.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. You are sure that it was last year that you were exempted from the payment of taxes?—A. To the best of my knowledge.

Q. And you are sure you paid all your taxes before last year?—A. That is, giving the old woman the privilege to correct them; it is a thing I never bothered with; I worked at my daily work.

Q. So far as you know those taxes were all paid?—A. Yes, sir; so far as I know.

Q. And the reason why you cannot remember now whether it was to Dean or not, is because your woman paid them?—A. Yes, sir; she paid them.

Q. Did you have this tax-receipt for 1875 with you when you voted at the Presidential election?—A. I don't know; I couldn't swear.

(Incumbent reserves the right to recall this witness.
Mr. Brumm, on behalf of contestant, objected to his being recalled.)

WILLIAM WILKINSON.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

PATRICK JOYCE, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. At Lost Creek.

Q. How long have you lived there?—A. I believe I have lived there five years.

Q. Did you vote at the last November election?—A. Yes, sir.

Q. In what township?—A. A. Mahanoy Township.

Q. Where were you born?—A. In Ireland.

Q. When?—A. In 1846.

Q. When did you come to this country?—A. In 1864, sir.

Q. What time were you born in 1846?—A. The 13th of September, 1846.

Q. What time did you come to this country?—A. In 1864.

Q. What day of the month?—A. The 17th of July I landed in it.

Q. Where are your papers?—A. My papers were burned.

Q. When did you get your papers?—A. I got them before Grant was elected the last term.

Q. Tell us whether or not you yourself, personally, paid a State or county tax within two years prior to the last election?—A. Yes, sir. (Tax-receipt produced.)

Q. Did you pay this personally to John Dean?—A. Yes, sir.

Q. Did you pay him the cash yourself?—A. Yes, sir; I paid him the cash myself. My papers were burned down in Lost Creek. I was out six months there at that time.

PATRICK JOYCE.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

Adjourned at 6 o'clock p. m. until 7.30 p. m.

THURSDAY, *March* 8, 1877.

Evening session. Examination resumed at 7.30. Counsel for respective parties present.

JOHN B. DAVIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of no notice whatever being given.)

Question. Where do you live?—Answer. I live on Cherry street.

Q. In what borough?—A. In the borough of Shenandoah now.

Q. In what ward of Shenandoah?—A. I suppose it is the fourth ward of Shenandoah.

Q. How long have you lived there?—A. Since the 15th of July, or somewhere about the 15th. I paid my rent then.

Q. How long had you lived there?—A. Ever since the 15th of last July.

Q. Did you move in there?—A. Yes, sir.
Q. From where?—A. From Coal street, over here.
Q. Where were you born?—A. In Wales.
Q. Have you your tax-receipts?—A. Yes, sir. (Receipts produced.)
Q. How old are you?—A. I am thirty-eight, going on thirty-nine.
Q. You were born in 1840, or thereabouts?—A. Yes, sir.
Q. When did you come to this country?—A. I came to this country about fourteen years ago.

Mr. Campbell (continuing direct examination):

Q. You lived in Mahanoy City last year?—A. Yes, sir.
Q. When did you move from Mahanoy City?—A. I moved in May last.
Q. You say you paid rent from a certain time in this ward you now live in?—A. Yes, sir.
Q. Can you tell what day you moved your family into the house?—A. Not exactly the date. On the 18th my rent was up in Coal street, and I moved somewhere in a circle of three days.
Q. On the 18th of what?—A. On the 18th of July I had to leave the house on Coal street.
(No cross-examination.)

JOHN B. DAVIS.

Sworn and subscribed before me this 8th day of March, 1877.
JAMES HUTTON.
Notary Public.

R. J. THOMAS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. In Jordan street.
Q. In what ward is that?—A. In the third ward.
Q. Did you vote at the last election?—A. Yes, sir.
Q. In what ward?—A. Third ward, at the United States Hotel.
Q. In Shenandoah?—A. Yes, sir.
Q. Where were you born?—A. In Wales.
Q. In what year were you born?—A. I was born in 1844.
Q. When did you come to this country?—A. In 1861.
Q. What time were you born in 1844?—A. I believe it was the 17th of April.
Q. What time in 1861 did you come to this country?—A. I was in New York either on the 13th or 15th of May, 1861. I believe it was the 15th.
Q. Born in 1844 and came here in 1861?—A. Yes, sir.
Q. Have you your citizen's papers?—A. Yes, sir. (Papers produced.)
Q. Are you positive of the year in which you were born?—A. No, sir, I am not; because my mother was down South and she had not got the book we were recorded on, but she thought it was that year. She is living in Tennessee.
Q. How old were you when you came to this country?—A. I was going on eighteen; my birthday is on the 17th of April.
Q. How old were you on the April before you came to the country?—A. I don't understand you. Seventeen the 17th of April. I was a little over seventeen, a few days.
(No cross-examination.)

REESE J. THOMAS.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

THOMAS EVANS called.

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness, that contestant had received no notice whatever of his being examined either now or at any other time.)

Mr. NASH. It appearing that no notice having been given that this witness would be called, he is now withdrawn.

WILLIAM PHILLIPS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. In the third ward of the borough of Shenandoah.

Q. Did you vote at the last November election?—A. I did, sir.

Q. In the ward in which you live?—A. Yes, sir.

Q. Where were you born?—A. In South Wales.

Q. When were you born?—A. As near as I can make out by the records of my parents, it was in the year 1829.

Q. When did you come to this country?—A. About twenty-two years next June.

Q. Were you ever naturalized?—A. Yes, sir.

Q. You have been subpœnaed to produce your naturalization-papers; will you produce them?—A. Yes, sir. (Papers produced.)

Q. What time of the year did you come to this country?—A. About the latter end of June.

Q. Can you tell us in what year you came to this country?—A. I did not pay any attention to the dates; I could not tell.

Q. How many years ago did you come to this country?—A. It was twenty-one years last June that I came to this country.

(No cross-examination.)

WILLIAM PHILLIPS.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

WILLIAM F. DAVIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. In Shenandoah.

Q. In what ward?—A. In the fourth ward, now.

Q. How long have you lived there?—A. About three months, I guess.

Q. Where did you live before that?—A. In the third ward.

Q. When did you move from the third ward to the fourth?—A. I believe it was in January.

Q. How long did you live in the third ward before election?—A. I lived there from six to eight months; I cannot state exactly now, but I believe it was eight months I lived there.

Q In which ward did you vote?—A. In the third ward of Shenandoah.

Q. Tell us where you were born, in what country?—A. I was born in Wales.

Q. When were you born?—A. Well, I cannot tell exactly.

Q. About what time?—A. I cannot tell within two or three years, anyhow; I am somewhere about forty years of age now.

Q. When did you come to this country?—A. In 1869.

Q. Have you your naturalization-papers?—A. I have. (Papers and tax-receipts produced.)

Q. Did you pay this tax personally to John A. Reilly?—A. Yes, sir.

(No cross-examination.)

his
WILLIAM F. + DAVIS.
mark.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

JOHN T. THOMAS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. In the third ward of Shenandoah.

Q. Did you vote at the last election?—A Yes, sir.

Q. In what ward?—A. In the third ward.

Q. You produce a tax-receipt here for January 25, 1876, signed by Henry J. Neuman, per B. J. Hess; did you pay it to him personally?—A. My wife gave it to him—to Hess; he was agent for Neuman. She gave it in my presence to him.

(Mr. Nash, on behalf of incumbent, offered in evidence a tax-receipt, as follows:)

"JANUARY 25, 1876.

"Received of John T. Thomas five dollars for State and county taxes for the year 1875.

"H. J. NEUMAN,
"Per B. J. HESS."

Also tax-receipt as follows:

"NOVEMBER 22, 1876.

Received of John T. Thomas seven and fifteen-hundredths dollars for county tax for 1876.

"JOHN A. REILLY,
"*Collector.*"

Also receipt, as follows:

"OCTOBER 1, 1874.

Received of John T. Thomas three dollars, county and borough taxes for the year 1874. County tax, $1.50; borough tax, $1.50.

"ANTHONY DEVITT,
"*Collector.*"

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. This man Hess was deputy collector for Neuman, the collector for this borough, when you paid him your taxes, was he not?—A. Yes, sir.

Redirect examination by Mr. Nash:

Q. Did you ever see the deputization that Neuman gave to Hess?—A. No, sir, I did not; he has been there once for them; Hess said he was collector for Neuman.

Q. Is that the only way you know that he was the collector for Neuman?—A. I did not see his paper or his authority.

(Mr. Brumm, on behalf of contestant, objected to the last question and answer, first, that it is cross-examination and tends to contradict incumbent's own witness, and, secondly, that it is not the best evidence the tax-collector or the deputy lives here and can be produced.)

JOHN T. THOMAS.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

FRANCIS LEWIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficient notice.)

Question. Where do you live?—Answer. In the third ward.

Q. Was the subpœna in this case served on you personally?—A. Yes, sir.

Q. When did you come here?—A. I have been here in Shenandoah five years now.

Q. Did you vote in the ward?—A. Yes, sir; in the third ward of Shenandoah.

Q. How long had you lived in Shenandoah before you voted?—A. Over four years before I voted.

Q. How old are you?—A. I was twenty-one last April.

Q. When were you born?—A. In 1855; the 17th of April, 1855.

Q. Where were you born?—A. Down in the mountains, about two miles above Port Carbon.

Q. How do you fix your age?—A. My parents had my age marked down in the family Bible.

Q. Were you registered at the last election?—A. Yes, sir.

Q. Did you see your name on the registry-list?—A. I saw them put it on. I was in there.

Q. In where?—A. In the poll. I went in there and took an oath.

Q. Was it put on the registry-list on the day of election; by whom?—A. I could not tell who. I think it was Glover that was there.

Q. One of the election-officers?—A. Yes, sir.

Q. Did you take an oath inside the poll?—A. Yes, sir.

Q. Did you sign any paper?—A. Yes, sir.

Q. Was it a written or printed paper?—A. I could not tell you which. I did not take much notice of it.

Q. Was it read off to you?—A. No, sir; it was not.

Q. Did you know what you swore to?—A. That I was born in America, and twenty-one years of age.

Q. Did they read anything to you?—A. They read it off a book, I think it was.

Q. Did anybody else sign the paper with you?—A. No, sir.

Q. Who was your witness?—A. Daniel Owens came with me.

Q. Did he swear, too?—A. No, sir.

Q. Was he inside of the window?—A. No; he did not go in with me. A fellow by the name of William Furley went inside with me.

Q. Did William Furley sign the paper?—A. He did not.

Q. For whom did you vote for Congress at the last November election?

(Mr. Brumm, on behalf of contestant, objected that the witness has not been proven an illegal voter, and therefore requested the commissioner to instruct the witness as to his rights.)

A. Mr. Nutting.

(No cross-examination.)

his
FRANCIS + LEWIS.
mark.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

WILLIAM PRITCHARD, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficient notice.)

Question. In what ward do you reside?—Answer. The second ward, in Shenandoah.

Q. How long have you resided there?—A. Three years.

Q. Did you vote at the last election?—A. Yes, sir.

Q. In that ward?—A. Yes, sir.

Q. Where were you born?—A. In Wales.

Q. In what year?—A. In 1841.

Q. When did you come to this country?—A. In 1866.

Q. You were subpœnaed to produce your naturalization-papers and tax-receipts; have you got them?—A. Yes, sir. (Papers and tax-receipts produced.)

Q. Are these the tax-receipts for 1874, 1875, and 1876 taxes?—A. Yes, sir.

Q. State and county taxes?—A. Yes, sir.

Mr. Nash, on behalf of incumbent, offered in evidence a tax-receipt, as follows:

"SHENANDOAH, *November* 22, 1876.

"Received of William Pritchard, for county tax for 1876, ——.

"J. A. REILLY,
"*Collector.*"

Also a paper, as follows:

"SHENANDOAH, *January* 22, 1876.

"Received of William Pritchard one and $\frac{50}{100}$ dollars in full for State and county taxes for the year 1875.

"H. J. NEUMAN,
"Per B. J. HESS."

Also a paper, as follows:

"SHENANDOAH, *October* 2, 1874.

"Received of William Pritchard the sum of three dollars for county and borough taxes for the year 1874. County tax, $1.50; borough tax, $1.50—$3.00.

"ANTHONY DEVITT,
"*Collector.*"

Q. To whom was this $1.50 tax paid in 1875?—A. To B. J. Hess

Q. Did you pay it yourself?—A. I paid it myself.
Q. Who was the collector for 1875 taxes?—A. Mr. Neuman.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. This man Hess was acting as deputy for Neuman, was he not?—A. Yes, sir.

Q. The receipt that was handed to you by Mr. Hess was a printed blank filled out, was it not?—A. I don't know. I asked him if he had a right to collect those taxes, and Neuman's brother told me it was all right.

Q. Mr. Neuman, the tax-collector, has told you that he authorized Hess to collect the taxes for him, did he not?—A. Well, he told me just now; yes, sir.

Q. State whether the receipt you received for your taxes is a printed form filled out in writing?—A. It is filled out in print and writing.

Redirect examination by Mr. Nash:

Q. Did you ever see any written paper deputizing Hess to collect taxes for Neuman?

(Mr. Brumm, on behalf of contestant, objected to the question as cross-examination and tending to contradict incumbent's own witness.)

A. No, sir; he sent his brother with him.

Q. How do you know he sent his brother with him?—A. Because I asked him.

Q. Who?—A. Neuman's brother.

Q. You do not know that the commissioners of Schuylkill County approved of any appointment of Hess as Neuman's deputy?

(Mr. Brumm, on behalf of contestant, objected to it as not the best evidence.)

A. No, sir.

Q. You only know from Neuman's brother that he sent his brother with Hess?

(Mr. Brumm, on behalf of contestant, objected to it as cross-examination.)

A. Yes, sir.

his
WILLIAM + PRITCHARD.
mark.

Sworn and subscribed before me this 8th day of March, 1877.
JAMES HUTTON,
Notary Public.

JOHN J. THOMAS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Hollopeter:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice, and that contestant had received no notice of the examination of this witness at this time and place.)

Question. Where were you born?—Answer. In South Wales.
Q. How old are you now?—A. I was twenty-two last September.
Q. In what year were you born?—A. In 1854.
Q. In what year did you come to this country?—A. In 1866.
Q. How old were you when you came here?—A. Twelve years.
Q. What is your father's name?—A. John T. Thomas.

Q. How old are you now?—A. Twenty-two last September.
Q. Did you pay this tax personally?—A. No; my father paid it.
Q. How do you know?—A. I saw him go in——
Q. Did you see him pay it?—A. I did not see him pay; I was across the road. He paid it in Reilly's store.
Q. How do you know he paid it?—A. Because I was on the street, on the other side of the road, when he went in.

Direct examination continued by Mr. Nash:

Q. Could you see into Reilly's store and see him pay it; did you see him pay out the money to Reilly and see Reilly write this receipt?—A. No; I was not in the store.
Q. Do you know the fact that he paid this receipt only because he told you, and you saw him going into Reilly's store?—A. Yes, sir; he would not tell me a lie.

Direct examination continued by Mr. Hollopeter:

Q. When you voted were you challenged?—A. Not last year.
Q. Where did you vote?—A. At the United States Hotel, in the third ward.
Q. Did you just go and deposit your ballot; did you go and hand it right in the window there, or did you go inside of the building?—A. No, sir.
Q. And were not sworn?—A. No, sir.
Q. You are sure of that now, are you?—A. Yes, sir.
Q. How old are you now?—A. I am twenty-two years old.
Q. When were you twenty-two?—A. Last September, 1876.
Q. What time in September?—A. The twelfth.

Cross examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. You voted on your father's naturalization-paper, did you not?—A. Yes, sir.
Q. Your father was naturalized before you became of age?—A. Yes, sir.
Q. This receipt upon which you paid your taxes is signed by John A. Reilly, collector?—A. Yes, sir.
Q. He was collector for 1875, was he not?—Yes, sir.
Q. For this borough?—A. Yes, sir.
Q. This receipt is a printed form filled out with writing, is it not?—A. Yes, sir.
Q. You have never been asked for any taxes since you got this receipt from the collecter?—A. No, sir.

JOHN J. THOMAS.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

THOMAS JAMES, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)
Question. Where do you live; in what ward of Shenandoah?—Answer. In the fourth ward.
Q. Did you vote there at the last fall election of 1876?—A. Yes, sir.

Q. How long had you lived there prior to election?—A. Three years.
Q. Where were you born?—A. In Wales.
Q. How old are you?—A. Fifty-four years old.
Q. When did you come to this country?—A. In July, 1863.
Q. Have you been naturalized; have you your naturalization-papers?—A. Yes, sir. (Papers produced.)
Q. What time did you come here?—A. I came here the 21st of July, 1863.
(No cross-examination.)

his
THOMAS + JAMES.
mark.

Sworn and subscribed before me this 8th day of March, 1877.
JAMES HUTTON,
Notary Public.

DANIEL JENKINS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)
Question. In what ward do you live?—Answer. In the first ward of Shenandoah.
Q. Where did you live at the time of the last election of 1876?—A. In the third ward.
Q. When did you move from the third ward to the first?—A. I moved three months ago, I think.
Q. Was it before or after the election?—A. After the election.
Q. How long had you lived in that ward before the election?—A. Something about three months.
Q. You lived there before the November election?—A. Yes; in the third ward.
Q. What time did you move to the third ward?—A. Some time in the summer. I do not remember now.
Q. Can you fix the time?—A. It was something about three months before the election.
Q. When did you begin to pay rent in the house you live in now?—A. I do not pay rent at all; I am boarding.
Q. Did you change your boarding-quarter at any time from the time you came into the third ward?—A. Yes, sir.
Q. To what ward did you move?—A. The same ward.
Q. Where did you board first when you came into the third ward?—A. In Ellis's building, on Jordan street.
Q. Can you tell whether it was in September or October or August that you came to the third ward?
(Mr. Brumm, on behalf of contestant, objected.)
A. No; I cannot tell you now; the book is in the house; if it was in my pocket I could tell.
Q. Was it in the summer or fall of the year that you moved in?—A. It might have been in the summer. I was there three months before election.
Q. How do you fix it three months before the election?—A. Because I moved there from the first ward.
Q. Give us something by which you fix it at three months.—A. I cannot give the date now.

Q. How do you fix that at three months?—A. Because I know that it was something about three months.

Q. How do you know it?

(Mr. Brumm, on behalf of contestant, objected to the question as cross-examination.)

A. Because it was about three months. I could not say exactly.

Q. Can you tell us by the book what time you came in the third ward?—A. O, yes.

Q. Where were you boarding?—A. On East Coal street.

Q. With whom were you boarding there?—A. I was boarding in Wasley's.

Q. When were you born, in what year?—A. In 1835, they told me.

Q. When did you come to this country?—A. In 1865.

Q. Where did you come to when you came to this country?—A. To Shamokin.

Q. Have you got your papers here?—A. Yes, sir.

(Papers and tax-receipts produced.)

Q. Where does your witness, William J. Thomas, live?—A. He is dead, sir.

Q. Where did he live?—A. He used to live here; he was a preacher in the Congregational church.

Q. Where did you become acquainted with the preacher, Mr. Thomas?—A. Here.

Q. When?—A. Seven or eight years ago.

Q. Are these all the tax-receipts that you have?—A. No, I have got a good many of them; these are all I have for State and county taxes. I believe these are what I voted on.

(Mr. Nash, on behalf of incumbent, offered in evidence receipt, as follows):

"SHENANDOAH, PA.,
October 22, 1874.

"Received of Daniel Jenkins three dollars, for borough and county taxes for the year 1874. Borough tax, $1.50; county tax, $1.50.

"ANTHONY DEVITT, *Collector.*"

Also receipt, as follows:

"SHENANDOAH, SCHUYLKILL COUNTY, PENNSYLVANIA,
" *October* 22, 1875.

"Received of Daniel Jenkins the sum of $2.25, in full for borough tax for the year 1875.

"ANTHONY DEVITT, *Collector.*"

Q. You were subpœnaed to produce all your tax-receipts, county and State, for 1874, 1875, and 1876; are these all the receipts you have?—A. No; I have more in the house.

Q. Now tell us whether you paid Henry J. Neuman this tax for the year 1875.—A. I do not know; I do not think he ever asked me for taxes, not to my knowledge.

Q. Do you know John A. Reilly, of this borough?—A. Yes, I know him when I see him.

Q. Did you ever pay him State or county taxes for the year 1876?—A. No.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. Did you pay the State or county tax last year at all?—A. No, sir, not last year.

Q. Or anybody pay any tax for you?—A. No, sir.
Q. Did you pay any for the year 1875?—A. I do not know, indeed; the receipt might be in the house.
Q. Did you ever pay any tax to Henry J. Neuman? You know a man by the name of Hess, he was acting as his deputy; did you ever pay him any tax?—A. No; he did not ask me for any.
Q. Do you know Hess who collected taxes in 1875—he is a constable?—A. Yes, I know him.
Q. Did not you pay him a tax in 1875?—A. No, sir; he never asked me for a tax.

Redirect examination by Mr. Nash:

Q. Did you vote at the last election in 1876?—A. Yes, sir.
Q. For whom did you vote for Congress at that election?
(Mr. Brumm, on behalf of contestant, objected.)
Q. I voted the Republican ticket. I do not know who they were. There was a good many of them on the ticket.
Q. From whom did you get that ticket?—A. Indeed, I do not remember.
Q. Can you read?—A. Yes, sir; I can read.
Q. James B. Reilly was running for Congress on the Democratic ticket and James L. Nutting on the Republican ticket; which of these two did you vote for?—A. I do not know. I did not take any notice of the names.
Q. Was it the full Republican ticket?
(Mr. Brumm, on behalf of contestant, objected to the question as leading.)
A. Yes, sir.

Recross-examination by Mr. Brumm:

Q. You say you do not remember the names that were on it. Do you know now who were running as Republican candidates at that time?—A. Indeed, I do not remember anything about it.
Q. You did not know whether you were voting Republican ticket or not?—A. Yes, sir; because I asked a man and he told me it was the right one.
Q. The only way you know that it was a Republican ticket, was because somebody told you so?—A. Yes, sir.

Redirect examination by Mr. Nash:

Q. Who was that man?—A. John Monaghan.
Q. Was John Monaghan the man that was running for the legislature?—A. Yes, sir.
Q. Upon the Republican ticket?—A. So they say.

DANIEL JENKINS.

Sworn and subscribed before me this 8th day of March, 1877.

JAMES HUTTON,
Notary Public.

Adjourned at 9.30 p. m. until 4.30 a. m.

FRIDAY, *March* 9, 1877.

Morning session. Examination resumed at 9.30 a. m. Counsel for respective parties present.

GEORGE THOMAS TAYLOR, being duly sworn, according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. Atkins Buildings, at Turkey Run; it is in the borough of Shenandoah.

Q. Where did you vote at the last fall election—at the general election of 1876?—A. I voted in the fourth ward of Shenandoah; I was judge of elections in Shenandoah, in the fourth ward; that was the election when Hess was——

Q. You were superintendent of the colliery?—A. Yes, sir.

Q. What is the name of the colliery?—A. Atkins Furnace Colliery; close to Gilberton there, and about half a mile east of Gilberton.

Q. You live beyond the school-house, I believe?—A. Yes; a little southeast of the school-house.

Q. How far from the school-house?—A. About a quarter of a mile, as near as I can guess; I think that is what it would be; I cannot say exactly; there are ten blocks.

Q. Do you live near the mines?—A. No, sir; I live about half way between the school-house and the mines.

Q. Do you know where the lines of the borough run in that direction?—A. Yes, sir; the breaker stands in the borough of Shenandoah; we paid the taxes here anyhow; I am right on the summit of the hill.

Q. How far beyond you does the borough-line run?—A. A quarter of a mile south of me; I am guessing at it as near as I can tell; we are on the back side of the old team-road, and the old team-road is the borough-line.

Q. Do the boroughs of Gilberton meet there?—A. Close together, at the breaker.

Q. The lines run together?—A. Nearly together.

Q. Do they actually run together there?—A. The team-road divides them.

Q. Do they join there?—A. They join; yes, sir. The breaker is in Shenandoah Borough; Gilberton on one side, and Shenandoah on the other.

Q. Do you know whether the lines of the borough of Shenandoah are marked by anything along on the line, the south line there?—A. No, sir, I do not; I know that the taxes on the breaker are paid in Shenandoah here, and that the office is in Gilberton Borough.

Q. How long have you lived there before the last fall election?—A. I have lived there eight years in June, since I first came to Atkins.

Q. Where were you born?—A. In England, in the county of Northumberland.

Q. What time?—A. Eighteen hundred and twenty-one, the 29th of May.

Q. Fifty-six years old?—A. Yes, sir.

Q. When did you come to this country?—A. I came to this country in 1865, in June—no, in July, 1865; I landed in Saint Albans, I think, on the 9th of June.

Q. You were subpœnaed to produce your tax-receipts and citizen's papers?—A. Yes, sir.

(Papers produced.)

Cross-examination, on behalf of contestant (reserving all exceptions and objections), by Mr. Brumm:

Q. Ever since you have lived there you have paid your taxes in Shenandoah, have you?—A. I think I have, sir.

Q. You never were asked for taxes by the collector of any other borough?—A. Yes, sir; the first year I came, by the man that gathered the taxes for Mahanoy Township. There was some dispute between the borough and township then; afterward that dispute was settled, and ever since then I have paid them in the borough.

Q. And nobody has asked you for any taxes besides the borough?—A. No, sir.

Q. Did you vote at the last general election?—A. No, sir.

Q. Did you vote at any borough election since you lived there?—A. Yes, sir.

Q. When they were voting for the usual borough officers?—A. Yes, sir.

Q. You were never challenged?—A. No, sir.

Q. And you were voted for and were elected judge of the ward?—A. Yes, sir.

Q. Have you any children going to school?—A. No; not at present.

Q. Did you have any since you were living there?—A. Yes, sir.

Q. Where did they attend school?—A. Mostly in Shenandoah; nowhere else but in Shenandoah.

Redirect examination by Mr. Nash:

Q. The tax was demanded of you in Mahanoy Township, was it not?—A. The man came once to see me; I forget his name.

Q. Was it Cochlin?—A. I really cannot tell; it was seven or eight years ago.

Q. Did any of your children go to any other place to school?—A. Yes, sir; one went to Williamsport.

Q. What year was it the tax was demanded of you?—A. It was the first year I lived there.

Q. Where did you pay your taxes that year?—A. I paid them here.

Q. Do you know whether the lines of the borough were extended since that time?—A. I know that Gilberton has been made a borough since that time.

Q. Have the lines of the borough been extended since that time?—A. Not that I know of, sir.

G. T. TAYLOR.

Sworn and subscribed before me this 9th day of March, 1877.

JAS. HUTTON,
Notary Public.

EDWARD WILLIAMS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination on account of insufficiency of notice.)

Question. Where do you live?—A. In the third ward.

Q. Did you vote there at the fall election?—A. Yes, sir.

Q. How long had you lived there previous to your voting last election?—A. About a year and a half or so.

Q. You were born in England?—A. In Wales.

Q. When were you born?—A. In 1842.

Q. When did you come to this country?—A. I got here twelve years next May. It was the 10th of May when I landed in New York.

Q. Have you got your papers here?—A. Yes, sir.

Q. Have you paid Reilly's tax yet for 1876; have you got it here?—A. No; it is down to the house.

Q. What time did you pay it; was it before or after the election?—A. I think it was before.

(No cross-examination.)

EDWARD WILLIAMS.

Sworn and subscribed before me this 9th day of March, 1877.

JAMES HUTTON,
Notary Public.

GEORGE W. JOHNSON, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. In what ward of the borough of Shenandoah do you live?—Answer. In the fourth ward.

Q. Did you vote there in 1876 at the last general election?—A. Yes, sir.

Q. Where were you born?—A. In England.

Q. In what year?—A. In the year 1839.

Q. When did you come to this country?—A. In July, 1846.

Q. Where did you come to; what place?—A. I came to Pottsville; in the first place, I resided in Tuscarora.

Q. Tell us whether or not you were ever naturalized?—A. I was.

Q. In what county?—A. In Schuylkill County.

Q. Have you got your naturalization-papers?—A. I have. (Papers produced.)

Q. You were born in 1839?—A. Yes, sir.

Q. When was your birthday?—A. The 15th of August, 1839. I landed here the 18th of July, 1846.

(Mr. Nash, on behalf of incumbent, offered in evidence minor paper of George W. Johnson, a native of England, to which Isaac Jones is witness, issued out of the court of common pleas of Schuylkill County, Pennsylvania, on the 12th day of September, 1860, with the seal of the said court, and signed by Daniel H. Shoener, prothonotary.)

Q. You were subpœnaed to produce your tax-receipts; have you got them?—A. I have for 1875.

Q. Have you paid Reilly, the tax-collector, your taxes yet?—A. Reilly? No, sir.

(Mr. Nash, on behalf of contestant, offered in evidence the following tax-receipt:)

"SHENANDOAH, PA., *June* 22, 1876.

"Received of George W. Johnson the sum of seventeen and $\frac{50}{100}$ dollars, in full for State and county tax for the year 1875.

"H. J. NEUMAN,
"*Collector.*"

(Also, the following tax-receipt:)

"SHENANDOAH, PA., *March* 7, 1876.

"Received of George W. Johnson twenty and $\frac{25}{100}$ dollars, in full for borough tax for the year 1875.

"ANTHONY DEVITT,
"*Collector.*"

Q. Those receipts represent all the county taxes which you paid within two years prior to the last election?—A. I have paid all my taxes right up except that of 1876.

Q. That represents the State and county taxes, 1874 and 1875?—A. Yes, sir.

Q. And those two receipts represent the payment?—A. Only one payment; one is State and county, and the other is borough.

Q. When did you pay the 1874 tax?—A. I could not tell; but I can swear it was paid; I think, in 1875; but I cannot be positive of that.

Q. You could not find the receipt this morning?—A. No, sir; I could not find it. I think I could find them by searching through my papers.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. You are the owner of real estate?—A. I am.

Q. And you have paid all your State and county taxes ever since you were in town, personal and real estate, except for the year 1876?—A. Yes, sir; all of them.

GEO. W. JOHNSON.

Sworn and subscribed before me this 9th day of March, 1877.

JAMES HUTTON,
Notary Public.

WILLIAM OWENS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

Question. Where do you live?—Answer. Lost Creek.

Q. Did yote there at the last election; at the last November election?—A. Yes, sir.

Q. Where were you born?—A. I was born in Tamaqua.

Q. How long had you lived in Lost Creek before the last election?—A. I moved there on the 18th of October, 1875.

Q. You were subpœnaed to produce your tax-receipt; have you got them?—A. Yes, sir. (Tax-receipt produced.)

Q. You moved from Shenandoah down there to Lost Creek?—A. Yes, sir.

Q. Did you pay these taxes of 1875 to H. J. Neuman personally?—A. Yes, sir.

(No cross-examination.)

WM. OWENS.

Sworn and subscribed before me this 9th day of March, 1877.

JAMES HUTTON,
Notary Public.

THOMAS D. GRIFFITHS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

(Mr. Smith, on behalf of contestant, objected to the examination of this witness on account of insufficient notice.)

Question. Where do you live?—Answer. In the fifth ward of Shenandoah.

Q. How long have you lived there?—A. I think this last November a year.

Q. Did you vote there at the last election; the November election?—A. I voted at the Presidential election.

Q. Where were you born?—A. I was born in Minersville, Schuylkill County.

Q. Have you got your tax-receipts with you?—A. I believe I have.
Q. Did you pay the tax personally to Neuman in 1875?—A. I paid it to his son.
Q. How long have you been in this country?—A. I am 42 years in the country.

THOMAS D. GRIFFITHS.

Sworn and subscribed before me this 9th day of March, 1877.

JAMES HUTTON,
Notary Public.

THOMAS H. TAYLOR, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Redirect examination by Mr. Campbell:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. What ward do you live in?—Answer. I live over by Gilberton, in the fourth ward of Shenandoah.
Q. Are you a son of George Taylor?—A. Yes, sir.
Q. Do you live in the same house with your father?—A. No, sir; in the same place, though.
Q. How far from your father?—A. About a hundred yards; in the same street, west of father.
Q. Toward Gilberton?—A. Yes, sir.
Q. Is that beyond the railroad or this side of the railroad?—A. North of the railroad.

Mr. Nash continuing:

Q. This is the railroad running up to Shenandoah?—A. Yes, sir.
Q. How far south of the railroad?—A. About half a mile, as near as I can judge, to the best of my knowledge.
Q. You live nearer to the built-up portion of the borough or farther?—A. About the same distance.
Q. About one hundred yards the other side of your father?—A. West of my father, on the same street. The houses run east and west; that is what they are laid out to be.
Q. How old are you?—A. Twenty-eight years of age last August—the second day of last August.
Q. You are twenty-eight years of age when?—A. The second day of last August.
Q. You were born in 1846?—A. In 1848.
Q. When did you come to this country?—A. In December.
Q. How old were you when you came to this country?—A. Seventeen the second day of August, and I came in December in 1865.
Q. You were naturalized on the same day as your father?—A. Yes, sir; on the same day.
(Naturalization-papers and tax-receipts produced.)
Q. Who was John Adams, your witness?—A. He has gone out West.
Q. How long had you known him?—A. Since the first day I was in the country down at Ashland.
(No cross-examination.)

THOS. H. TAYLOR.

Sworn and subscribed before me this 9th day of March, 1877.

JAMES HUTTON,
Notary Public.

WILLIAM T. JAMES, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. In what ward do you live?—Answer. I live in the fifth ward.

Q. Did you vote at the last general election in 1876?—A. Yes, sir.

Q. In the fifth ward of Shenandoah?—A. Yes, sir.

Q. How long had you lived in that ward before the election in November last?—A. I think it is about four or five years.

Q. Where were you born?—A. In England I was born. He made a mistake and said I was born in Wales, but I was born in England.

Q. What time were you born?—A. I cannot exactly tell the year, but I am fifty-one next June; you can refer back and see what time it is.

Q. When did you come to this country?—A. In 1863.

Q. What time in the year?—A. In May; the 10th of May, 1863.

Q. This is your own naturalization-paper?—A. Yes, sir.

Q. Where did you come to when you came to this country?—A. I came to Pottsville, then to Minersville.

Q. When did you become acquainted with Richard Edwards, your witness?—A. I became acquainted with him in 1864.

(No cross-examination.)

his
WM. T. + JAMES.
mark.

Sworn and subscribed before me this 9th day of March, 1877.

JAMES HUTTON,
Notary Public.

JONATHAN HUGHES, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficient notice.)

Question. In what ward did you live in the last general election of 1876?—Answer. In the fourth ward, sir.

Q. Of Shenandoah?—A. Yes, sir.

Q. Where were you born?—A. In England.

Q. How long ago?—A. In the year 1832, I believe.

Q. When did you come to this country?—A. In 1861 I came to this country.

Q. Where did you go to then?—A. Into this State first.

Q. Have you got your naturalization-papers?—A. Yes, sir. (Papers produced.)

Q. How long had you lived in this ward before you voted at the last general election?—A. I lived there for the last four or five years.

Q. Is there another Jonathan Hughes in that ward?—A. Not that I am aware of.

Q. Are you pretty well acquainted with the people in that ward?—A. I am some. I do not know them all.

(No cross-examination.)

his
JONATHAN + HUGHES.
mark.

Sworn and subscribed before me this 9th day of March, 1877.
JAMES HUTTON,
Notary Public.

WILLIAM LEWIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Brumm, on behalf of contestant, objected to the examination of witness on account of insufficient notice.)

Question. Where do you live?—Answer. Down in Griscom's patch, sir.

Q. In what township is that?—A. West Mahanoy Township.

Q. How long had you lived there?—A. About three years.

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness, on account of no notice whatever being given.)

(Papers produced.)

(No cross-examination.)

his
WILLIAM + LEWIS.
mark.

Sworn and subscribed before me this 9th day of March, 1877.
JAMES HUTTON,
Notary Public.

WILLIAM RICHARDS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. In White street; South White street.

Q. In what ward?—A. In the second ward.

Q. How long have you lived there?—A. I have lived there about two years.

Q. Did you vote at the last November election of 1876?—A. No, sir.

Q. You did not vote?—A. No, sir.

Q. Do you know of any other William Richards in your ward?—A. Not one that I am aware of.

Q. You lived in the ward two years?—A. Yes; about two years.

Q. Are you well acquainted with the persons that live in that ward?—A. Not with every one.

Q. I do not mean the last election; the last November election.—A. I voted for nobody at the last November election, but I voted at the last election.

(No cross-examination.)

W. T. RICHARDS.

Sworn and subscribed before me this 9th day of March, 1877.
JAMES HUTTON,
Notary Public.

DANIEL HUGHES, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. Fourth ward of Shenandoah.
Q. How long have you lived there?—A. Five years the 16th of last May.
Q. Did you vote there at the last November election?—A. Yes, sir.
Q. Where were you born?—A. I was born in England.
Q. When were you born?—A. I was born in 1847.
Q. When did you come to this country?—A. I came here on the 29th of March, 1868.
Q. You were subpœnaed to produce your tax-receipts and naturalization-papers.
(Tax-receipts and naturalization-papers produced.)
Q. Did you pay the State and county taxes yourself within two years of the last November election?—A. Yes, sir.
(No cross-examination.)

DANIEL HUGHES.

Sworn and subscribed before me this 9th day of March, 1877.

JAMES HUTTON,
Notary Public.

JOHN G. DAVIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficient notice.)
Question. Where do you live?—Answer. I live in Cherry street.
Q. Of Shenandoah Borough?—A. Yes; of Shenandoah Borough.
Q. What ward do you live in?—A. The fourth ward.
Q. Did you vote there at the last November election?—A. I did.
Q. Where were you born?—A. In Wales.
Q. When were you born?—A. I was born in 1829.
Q. When did you come to this country?—A. I came when I was about eight years old. I left the old country when I was a year and a half old and came to Pennsylvania in 1838.
Q. Were you ever naturalized?—A. I have my father's papers; yes, I was naturalized too; I got papers one time when I was going to California.
Q. Have you got your father's papers with you?—A. Yes, sir. (Papers produced.)
Q. What is your father's name?—A. My father's name is John Davis.
(No cross-examination).

JOHN G. DAVIS.

Sworn and subscribed before me this 9th day of March, 1877.

JAMES HUTTON,
Notary Public.

DAVID MATHIAS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Campbell:

(Mr. Brumm, on behalf of contestant, objected to the examination of this witness on account of insufficient notice.)
Question. Where do you live?—Answer. In Turkey Run.
Q. Where did you vote at the last November election?—A. In the fifth ward, over on the other side; I believe it is the fifth ward.
Q. You lived over at Atkins' Colliery?—A. Yes, sir.

Q. How near do you live to Thomas H. Taylor?—A. I live on this side of the street, and he lives on the lower side, fifteen or twenty yards I guess; about, anyhow.

Q. You live on one side and he lives on the other?—A. Yes, sir.

Q. Do you live nearer to Gilberton than he does?—A. Yes; I live on that side and he lives on this side.

Q. How far from the railroad do you live that leads to Shenandoah, about how far?—A. It might be a mile from the town, I guess.

Q. How far is it; a hundred yards?—A. The patch stands between the Reading Railroad and Shenandoah.

Q. Do you live this side of the railroad?—A. On the other side.

Q. How far the other side?—A. From the Reading Railroad?

Q. Yes; the road that runs from here to Mahanoy plane.—A. I cannot tell you how far exactly.

Q. To the best of your judgment?—A. It might be a mile from the town.

Q. Does the railroad run close to your house along there?—A. No, sir.

Q. How far from your house?—A. I will say five or six hundred yards from the top; it might be more than that, for all I know.

Q. Where were you born?—A. In Wales.

Q. When were you born?—A. In the year 1838.

Q. When did you come to this country?—A. In 1866; April, 1866, I think it was.

Q. Have you got your naturalization-papers with you?—A. Yes, sir. (Papers produced.)

Q. What time in 1866 did you come here?—A. I think it was in April; I believe it was April, anyhow.

Q. Have you your tax-receipts with you?—A. Yes, sir. (Tax-receipts produced.)

Q. You voted in the fifth ward?—A. I believe it was the fifth ward.

Q. Whereabouts did you vote?—A. At Sam Rushworth's.

Q. Did you ever pay any taxes since you lived there?—A. Yes, sir; I paid taxes in Mahanoy.

Q. Since you lived out there?—A. O, no; I only paid in Shenandoah all the time, and I lived there for seven years.

Q. How long did you live out there?—A. Seven years and six months.

Q. Did anybody else ask you for taxes out there at Mahanoy?—A. No, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Brumm:

Q. Have you got any children going to school?—A. Yes, sir.

Q. Where do they go to school?—A. I guess some were going to school about three years ago.

Q. Where?—A. In Shenandoah City borough.

Q. Is what you call Turkey Run—is that in Shenandoah borough?—A. Yes, sir.

Q. Did you vote at the borough election last spring?—A. Yes, sir.

Q. You voted then for councilmen and chief burgess and different officers that were being voted for there?—A. Yes, sir.

Q. Were you challenged by reason of non-residence at that election?—A. Yes, sir; two or three times.

Q. On account of non-residence?—A. I don't know what you mean.

Q. Were you challenged at the last spring election, at the borough election, on the ground of not living in the borough?—A. O, no, sir.

Q. Did you ever swear here that you were ever challenged because of non-residence since you lived in Turkey Run?—A. When I was going to vote they challenged my vote to see if there was anything wrong about my paper.

Q. Do you know what non-residence means?—A. No, sir; I do not.

Q. Non-residence means not living at a certain place. Did any persons challenge you at the borough election because they alleged that you did not live in this borough?—A. No, sir; never.

Q. Then, when you were challenged, it was because they wanted to see your naturalization-papers and tax-receipts?—A. That is all.

Q. They never have questioned your residence?—A. No, sir; never.

Q. At the election?—A. No, sir.

Q. When you voted, there was a number of the citizens of this borough there?—A. Yes, sir.

Q. All political parties represented there?—A. Yes, sir.

Q. And when you were challenged you were not asked whether you lived in the borough or not, were you?—A. No, sir.

Q. There was no other tax-collector asked you for taxes except the tax collector of this borough since you lived in Turkey Run, was there?—A. No, sir; not one.

Q. Did all the people of Turkey Run vote at this borough in the fourth ward when they did vote?—A. I cannot tell you about all of them, but I know there was a good few.

Q. Well, all of those that lived where you live vote in the fourth ward?—A. Yes, sir; I believe they did, all of them.

Q. You don't know of any of them voting anywhere else but in the fourth ward?—A. No, sir, I do not.

Q. There is a railroad between where you live and the built-up portion of this borough, is there not?—A. Yes; there is a railroad between Shenandoah and Turkey Run.

Q. Shenandoah proper?—A. Yes, sir.

Q. There is a railroad running down where you live, and to Gilberton, too, is there not?—A. Yes, sir.

Q. There is quite a number of railroads all around this section of the country?—A. Indeed, I do not know of any railroads. There is a good many, anyhow.

Q. There is a railroad down here near Colorado, in this county. The Reading Railroad runs down there through the Colorado colliery?—A. Yes, sir.

Q. The Reading Railroad runs through this town, and the Lehigh Valley Road, too, do they not, in the same section of the town pretty much?—A. Yes, sir.

Q. And there is a number of branches running around these different collieries?—A. Yes, sir.

Redirect examination by Mr. Nash:

Q. The railroad you refer to, was not it a branch of the Reading Railroad that runs from Mahanoy City and comes around south and east of Shenandoah?—A. I do not know, sir. There is a branch running from Mahanoy plane.

Q. Do not they run around south and east of Shenandoah? That direction is south and this is east (indicating direction). Tell us whether it does not come around the south and east sides of the town.—A. I do not understand you.

Q. Does not the railroad run from Mahanoy plane to Shenandoah?—A. Yes, sir.

Q. Around the south and east sides of Shenandoah to get in to Shenandoah?—A. Yes, sir.

Q. Is that the railroad to which you referred in your testimony when you said you lived a mile beyond the railroad?

(No answer.)

Q. Is that the railroad to which you referred when you said you lived beyond the railroad five or six hundred yards from the top of the mountain?—A. It may be that or more.

Q. Is that the railroad to which you referred?—A. Yes, sir; that is the railroad.

Q. Do you know where the lines of the borough run, from your own personal knowledge?—A. No, sir; I do not.

Q. How far from your house are the lines laid down?—A. Where do you mean?

Q. Out in your direction.

(Mr. Brumm, on behalf of contestant, objected to this system of cross-examination.)

A. I do not understand.

Q. How far do the lines of the borough extend beyond Turkey Run?—A. Of Shenandoah borough?

Q. Yes, sir.—A. I do not know.

Q. Is the breaker in the borough?—A. I do not know; somebody told me it was.

Q. Can you tell where the lines of the borough run in that direction?—A. I cannot, sir; I do not know.

Q. You only know that you live in the borough because you pay taxes there and because you voted there?

(Mr. Brumm, on behalf of contestant, objected to this system of cross-examination.)

A. Turkey Run is in Shenandoah; that is the reason I voted there.

Q. What leads you to think Turkey Run is in the borough?—A. Because I have to pay my taxes to the borough.

Q. Is that the only reason?—A. I believe it is the main reason, anyhow.

Q. Is that the only reason?—A. Yes, sir; because there might be somebody else ask me for taxes.

Q. Do you know that the tax-collector of Mahanoy Township claimed the right to collect taxes there?

(Mr. Brumm, on behalf of contestant, objected to the question that it is not the best evidence as to claims of tax-collectors who are alive, and it is irrelevant and impertinent.)

A. No; I do not believe they did.

Q. Do you know that they have claimed the right to collect taxes at Turkey Run?—A. No, sir; they have no right to collect taxes.

Q. Do you not know that they have claimed the right?

(Mr. Brumm, on behalf of contestant, objected to it as cross-examination of incumbent's own witness, and an attempt to contradict the same, and that it is not the best evidence.)

Q. Do you know that they have claimed the right to collect taxes there?—A. I do not see how they can.

Q. Do you know?—A. No, sir; I do not.

Q. Do you know that the tax-collector of Mahanoy Township ever came to Turkey Run to ask for taxes?—A. I never seen one.

Q. Can you give us about the distance from the railroad which comes from Mahanoy plane to Turkey Run, where you live?—A. No, sir; I cannot; some say it is six miles.

Q. From the railroad which runs up from Mahanoy plane to Turkey Run, how far from this railroad are you?—A. I never did measure it, but it is something about six or eight hundred yards up to the top of the mountain—I never measured it.

Q. How near do you live to the borough of Gilberton?—A. I do not know, sir.

Q. The borough-line of Gilberton?—A. I do not know.

Q. Do not you know that the breaker of Atkins Brothers is in the borough of Gilberton?

(Mr. Brumm, on behalf of contestant, objected to the question as cross-examination of incumbent's own witness, suggestive of the answer, and an attempt to contradict him.)

A. I do not know; somebody told me that it was in the borough of Shenandoah. I cannot tell. That is not my business to know.

Q. Do not you know that Atkins Brothers pay taxes to Gilberton and to Shenandoah?—A. I do not know nothing about that.

Q. Do you live as far away from Shenandoah as the breaker of Atkins Brothers?—A. I do not know; I live up the mountain, and the breaker is down below the mountain just on the level.

Q. Do you live this side of the breaker?—A. This side of the breaker? The other side.

Q. How far from the breaker?—A. I could not say now this minute; it may be five or six hundred yards, for all that I know.

Q. How far is the breaker from the railroad?—A. I do not know, sir.

Q. About how far?—A. I could not tell.

Q. Give us your judgment upon it.—A. I cannot tell; it might be a mile and a half.

Q. From the railroad?—A. From Shenandoah, I mean.

Q. How far from the railroad below Shenandoah here is the colliery of Atkins Brothers?—A. I do not know how it is.

Q. About how far?—A. I cannot tell, sir.

Q. Is it two miles and a half?—A. It might be a mile and a half, for all that I know.

Q. Well, is it a mile and a half?—A. That is more than I can tell how much it is from Shenandoah.

The COMMISSIONER. The difference between the town and the railroad down here?

A. I can only guess, for I heard nobody say that measured it.

Q. Can you tell the distance?—A. I will say there is three or four hundred yards from the patch down to the breaker, and five or six hundred yards from the railroad.

Recross-examination by Mr. Brumm:

Q. There is a railroad that runs right to the breaker?—A. There is a branch from Gilberton that takes the coal down.

Q. Does it run in further than the breaker?—A. A little above it.

Redirect examination by Mr. Nash:

Q. A branch of what railroad is it that comes there?—A. The Reading Railroad.

Q. Is it a branch of this road that you cross in going home?—A. Yes, sir.

Q. A branch of the Mahanoy line going to Gilberton?—A. Yes, sir; to Gilberton.

his
DAVID + MATHIAS.
mark

Sworn and subscribed before me this 9th day of March, 1877.

JAMES HUTTON,
Notary Public.

(Mr. Nash, on behalf of incumbent, offered in evidence sworn copy of notice marked Exhibit G, served upon J. H. Pomeroy, attorney, attending for the purpose of examining witnesses for Mr. Nutting, the contestant.)

Adjourned at 12 o'clock until 10 o'clock a. m. Tuesday, March 13, 1877.

TUESDAY, *March* 13, 1877.

Morning session. Examination resumed at 10 o'clock a. m. Counsel for respective parties present.

EDWARD HUGHES, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Pomeroy, on behalf of contestant, objected to the examination of this witness on account of insufficient notice.)

Question. Where do you live?—Answer. Shenandoah.

Q. In what ward?—A. I live in the fourth ward.

Q. Where did you live at the time of the election of 1876—the November election?—A. I lived in the third ward.

Q. Did you vote at the November election?—A. Yes, sir.

Q. In what ward did you vote?—A. I voted in the third ward.

Q. Where were you born?—A. I was born in England.

Q. When?—A. Eighteen hundred and fifty.

Q. When did you come to this country?—A. In 1868.

Q. What time of the year were you born?—A. June 21.

Q. What time of the year did you come to this country?—A. March 29, 1868.

Q. Did you pay State or county tax within two years prior to the last November election?—A. I paid the 1876 tax.

Q. Is this the only tax you paid within two years of the last November election?—A. That is the only tax I paid; yes, sir.

(Mr. Nash, on behalf of incumbent, offered in evidence the following tax-receipt:)

"SHENANDOAH, PA., *October* 14, 1876.

"Received of Edward Hughes one and sixty-five hundredths dollars, for the following taxes for the year 1876: County tax, $1.65.

"JOHN A. REILLY, *Collector.*"

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Pomeroy:

Q. Did you pay State and county tax in 1875?—A. No, sir; I did not; the reason I did not pay them was they did not come for them.

Q. The collector did not come for them?—A. No, sir. I believe they pay 5 per cent. to collect, and I think it is their duty to come after them.

Q. Did you pay State or county tax in 1874?—A. No, sir; I was not assessed that year; not that I am aware of, for they did not come for the taxes.

Q. Did any one pay your taxes for you in 1874 or 1875?—A. No, sir.

Redirect examination by Mr. Nash:

Q. For whom did you vote for Congress at the last November election of 1876?—A. I object to telling that.

Q. You are bound to answer that question.—A. Bound to answer it?
Q. Yes, sir.—A. It does not make any difference to me. I voted the whole Republican ticket.
Q. Do you know who was on that ticket for Congress?—A. The Republican ticket?
Q. Yes.—A. James L. Nutting, I believe.
Q. Can you read?—A. Me?
Q. Yes, sir.—A. No, sir; I cannot read—not of any consequence. I can read a man's name once in a while.
Q. Did you read the ticket that you voted?—A. I knew the ticket before I got it.
Q. Who was on the ticket you voted for Congress?—A. James L. Nutting.

his
EDWARD + HUGHES.
mark.

Sworn and subscribed before me this 13th day of March, 1877.
JAMES HUTTON,
Notary Public.

WILLIAM OWENS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Pomeroy, on behalf of incumbent, objected to the examination of this witness on account of insufficiency of notice.)
Question. Where do you live?—Answer. I live in the fourth ward, sir.
Q. Of the borough of Shenandoah?—A. Of the borough of Shenandoah.
Q. Did you vote at the last fall election?—A. I did, sir.
Q. In what ward?—A. In the fourth ward.
Q. Where were you born?—A. I was born in Wales, in South Wales.
Q. When?A—. In 1844, the 13th of January.
Q. When did you come to this country?—A. On the 30th of March, 1870, I landed at Shenandoah. I left Liverpool on the 17th day of March.
Q. Were you naturalized?—A. Yes, sir. (Papers produced.)
Q. What day did you come to this country?—A. The 30th of March, 1870.
Q. You are positive of the time?—A. Yes, sir; I am positive of the time.
Q. How long had you lived in the ward in which you lived before the election?—A. I lived in there since the first day of September, 1875, in the same house that I live in at present—or December, not September.
(No cross-examination.)

WILLIAM OWENS.

Sworn and subscribed before me this 13th day of March, 1877.
JAMES HUTTON,
Notary Public.

ALFRED KITTO, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. At Raven Run.

Q. In what township?—A. In West Mahanoy Township.

Q. Did you live there at the November election, in 1876?—A. I did.

Q. How long before it?—A. I moved there the 10th of January, 1873, and lived there ever since.

Q. Did you vote at the last November election of 1876?—A. I did, sir.

Q. Where did you vote?—A. I voted at Lost Creek.

Q. Did you pay State and county taxes two years previous to 1876?—A. I did, to Cochlin and John Dean; Cochlin in 1874 and Dean in 1875.

Q. Where were you born?—A. I was born in England.

Q. When?—A. I think it was in 1847. I came to this country in 1869, October 15.

Q. Have you your naturalization-papers?—A. Yes, sir. (Papers produced.)

Q. October, 1869, you came to this country?—A. I think that is the day.

(Mr. Nash, on behalf of incumbent, offered in evidence the following naturalization-paper of Alfred Kitto, dated the 3d of June, 1876, which recites that Alfred Kitto, a native of England, presented his petition to become a citizen of the United States, and it appeared to the said court that he had declared on oath before Hiram Moyer, prothonotary, on the 22d day of June, 1876, that it was *bona fide* his intention to become a citizen of the United States, &c., these papers were issued out of the court of common pleas of Schuylkill County, signed by the seals of the said court, and attested to by Thomas F. Kearns, prothonotary, to which Louis Blass is witness.)

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Pomeroy:

Q. Before getting out this naturalization-paper, in 1876, did you ever declare your intention to become a citizen?—A. I did, sir; in Pottsville, at the court or prothonotary's office.

Q. Do you remember when?—A. I cannot tell.

Q. From what year?—A. I am not sure.

Q. Do you remember the year?—A. Either in 1873 or 1874; I am not sure; you gentlemen remember the day, I guess; I think it was in 1873 or 1874; I am not sure which it was.

Q. What time?—A. Either in 1873 or 1874.

Q. Your paper recites that you declared an intention to become a citizen on the 22d of June, 1876; is that correct?—A. That is correct, sir.

Q. In 1876 when you declared an intention—— A. No, sir; two years and some weeks before then I got my papers; I cannot remember exactly. I was down as a witness on some notice—Mollie cases—and I got my papers then.

Redirect examination by Mr. Nash:

Q. Then this paper recites what is untrue, does it?—A. I guess not.

Q. If it recites that you declared your intention on the 22d of June, 1876, is that correct?—A. I had my first papers then, and——

Q. Does this paper recite what is untrue when it says that you declared your intention on the 22d of June, 1876?—A. Untrue?

Q. Yes, sir.—A. No, I guess not; they must be true. I got my first paper a long while before I got them; I declared my intention either in 1873 or 1874.

Q. Then do these papers recite what is untrue in fact?—A. If it states there that I declared my intention in 1876 it must be untrue. I declared my intention in 1873 or 1874, I am not certain which.

Q. It was on this paper you claimed a right to vote at the general election of 1876?—A. Yes, sir; on that paper.

Q. Louis Blass was your witness?—A. Yes, sir.

Q. How long had you known him?—A. I knew him as soon as 1870.

Q. For whom did you vote for Congress at the last November election?

(Mr. Pomeroy, on behalf of contestant, objected to the question as irrelevant and immaterial).

A. Colonel Nutting.

ALFRED KITTO.

Sworn and subscribed before me this 13th day of March, 1877.

JAMES HUTTON,
Notary Public.

JAMES PATTERSON, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Pomeroy, on behalf of contestant, objected to the examination of this witness on the ground that no notice whatever has been given of his being called.)

Question. Where do you live?—Answer. In Shenandoah.

Q. Tell us by what names you are called.—A. James Patterson and sometimes John Ralston.

Q. Are you not sometimes called John Patterson?—A. No, sir; not that I know of.

Q. In what ward do you live?—A. I live in the fourth ward.

Q. Did you vote there at the November election in 1876?—A. No, sir; I never voted in Shenandoah; my papers are in Minnesota; I got my papers when I was twenty-one. I voted once in Mahanoy City, for they said it was all right.

(No cross-examination.)

JAMES PATTERSON.

Sworn to and subscribed before me this 13th day of March, 1877.

JAMES HUTTON,
Notary Public.

THOMAS BELLIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Pomeroy, on behalf of contestant, objected to the examination of this witness on account of insufficient notice.)

Question. Where do you live?—Answer. I live in Shenandoah, in the third ward.

Q. Did you vote at the last November election of 1876?—A. I did, sir.

Q. In what ward?—A. In the third ward.

Q. How long had you lived in it before you voted?—A. I could not tell exactly, but I think it was somewhere about three or four years.

Q. Where were you born?—A. I was born in England.

Q. When?—A. I was born in the year 1850 or 1851 I should say.

Q. When did you come to this country?—A. In 1867.

Q. Tell us whether you paid State or county taxes within two years prior to the last November election?—A. I did, sir.

Q. To whom?—A. I paid to—I think it was Monaghan or Congray.

Q. Have you got them?—A. I think I have 1876 with me.

Q. In 1867 what day did you come to the country?—A. I could not tell you exactly; I think it was in the month of March.

Q. Are you positive of that?—A. Yes, sir.

Q. That you came in the spring of 1867?—A. Yes, sir.

Q. Who is John Williams, your witness?—A. He used to be on the police force here.

Q. How long had you known him before you got your papers?—A. I knew him a good many years.

Q. About how long?—A. I could not answer. I knew him in this country a good while and in the old country.

Q. Did he come here before you did?—A. Yes, sir.

Q. Were these papers gotten out by you yourself?—A. Yes, sir.

Q. Are you positive of the time you were born?—A. Well, I am not exactly positive, but I think so. I am not positive unless I should send home to my parents.

Q. How do you fix the time you were born?—A. I always understood it so.

Q. From whom?—A. My parents.

Q. What time of the year were you born?—A. I think in December.

Q. 1851?—A. Yes, sir; in December, 1851.

Q. Tell us whether or not you paid that receipt yourself?—A. I did, sir.

Q. To whom?—A. To John A. Reilly, or at least to Duffy, who was deputized to collect it.

Q. You paid these receipts to Thomas Duffy?—A. Yes, sir.

Q. To whom?—A. Thomas Duffy. I asked him if it was legal, and he said yes; that he had deputized him to collect them.

Q. Do you know anything further than what Duffy told you about collecting his taxes?—A. I asked Reilly next day, and he said it was all correct.

Q. Then this receipt is in the handwriting of Thomas Duffy?— A. Thomas Duffy.

Q. Did you pay Henry J. Newman a county tax in 1875?—A. No; I believe my wife paid his agent, Hess, in 1875.

Q. Do you know that Hess was his agent in 1875?—A. I do not know.

Q. Did you ever see that receipt?—A. I believe I did; my wife said she paid it.

Q. Were you present when she paid it?—A. No, sir; I was at work.

Q. Did you pay any taxes to Anthony Devitt?—A. Yes, sir; in 1874.

Q. Do you know what time?—A. I could not tell you.

Q. Was it before or after the election of 1874; why did you not bring it in?—A. I thought 1876 was enough.

Q. Could you tell what time of the year it was?—A. In the winter time.

Q. Was it to Devitt himself?—A. It was.

Q. Did you yourself pay it?—A. I did, sir.

Q. Can you produce that receipt?—A. I can, in ten or fifteen minutes.

Q. We would like to have that receipt produced.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Pomeroy:

R. You paid a State and county tax in 1874, 1875, and 1876, did not you?—A. I am positive I paid it in 1874 and 1876, but I do not see the receipt for 1875.

(Witness withdrawn to be recalled for further examination.)

JOSEPH RICHARDS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. Colorado.

Q. In what township is that?—A. I think it is in Mahanoy Township.

Q. Where did you vote?—A. At Lost Creek.

Q. How far is it from Shenandoah to Colorado?—A. I think it is about four miles.

Q. Did you vote there at the last November election?—A. I did.

Q. Have you paid a State or county tax within two years prior to the November election in 1876?—A. I have.

Q. To whom?—A. Thomas Grady, of Mahanoy City.

Q. Where had you lived before?—A. Mahanoy City.

Q. I mean in 1875?—A. Mahanoy City up to the 19th January, 1876.

Q. Tell us whether this tax was property or personal-tax?—A. Personal tax; I got a receipt from Mr. Newman for property-tax.

Q. Had you paid any other tax but that?—A. Yes, sir.

Q. To whom?—A. To John O'Brien, I think; I think he was a tax-collector.

Q. When was that paid?—A. In 1874.

Q. What time?—A. I cannot tell you.

Q. Where were you born?—A. I was born in England.

Q. Can you tell us the day, the time you were born?—A. I was born the 25th day of October, 1841.

Q. When did you come to this country?—A. I came to this country in 1849, I think.

Q. In 1841 you were born, and came to the country in 1849?—A. I came after my father.

Q. You were subpœnaed to bring the naturalization-papers upon which you claimed a right to vote; will you please produce them? (Papers produced.)

A. Those are my father's papers.

Q. Were you in the State of Michigan when these papers were granted?—A. No, sir; I was in this State.

Q. What was your father's name?—A. John Richards.

(No cross-examination.)

JOS. S. RICHARDS.

Sworn and subscribed before me this 13th day of March, 1877.

JAMES HUTTON,
Notary Public.

DANIEL GRADY, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash.

(Mr. Pomeroy, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. I suppose in West Shenandoah.

Q. In what ward?—A. I cannot tell.

Q. Where did you vote?—A. In the fifth ward.

Q. And lived in the fifth ward of Shenandoah?—A. Yes, sir.

Q. Did you live there before the last November election?—A. Yes, sir.

Q. And since?—A. Yes, sir.

Q. Do you know of the offers of money by any person to corruptly influence your vote or the vote of citizens in favor of Colonel Nutting or the Republican party in the November election of 1876?

(Mr. Pomeroy, on behalf of contestant, objected to the question unless it is shown to be at the instance of Colonel Nutting.)

A. I cannot tell about anybody else; I only got ten dollars for myself.

Q. From whom?—A. Mike Monaghan. I voted for Mr. Nutting, and that is all I know about the election, and there is no use of asking any more questions about it; if you doubt my word I have it here.

Q. Who was Mike Monaghan working for?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. That is more than I can tell.

Q. Was he working for Mr. Nutting?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I cannot tell who he was working for.

Q. When he gave you this money what did he say to you?—A. He told me no questions at all about it.

Q. How did he come to give you the money?—A. For my day's work, I suppose.

Q. What do you suppose that from?

(Mr. Pomeroy, on behalf of contestant, objected that it is cross-examination.)

Q. What grounds have you for supposing he gave it to you for that?—A. I think I answered that question before; he gave it to me, of course, for my wages.

Q. Why did he give it to you for your wages—why do you suppose so?

(No answer.)

The COMMISSIONER. Answer the question.

A. The man, of course, gave it to me for my day, and to stop at the polls that day; that is all.

Q. What did he say to you that induced you to believe that it was for your day's wages?

(Mr. Pomeroy, on behalf of contestant, objected to the question.)

A. He said, of course, for me to vote for Nutting.

Q. Did you say you would?—A. Yes, sir; I did that.

Q. Had you any conversation with Mike Monaghan since about this matter?—A. No, sir; I have not.

Q. None at all?—A. No, sir.

Q. Had you not a fuss with him about it?—A. No, indeed; not as I know of; never in my life.

Q. Tell us whether or not you staid at the poll this day, the day of the election?—A. I was there, of course, off and on all day.

Q. Working for Nutting?—A. A man cannot say whether he was working for him or not.

Q. Were you there giving out tickets for Colonel Nutting?—A. Yes, sir; I was.

Q. How many tickets did you give out?—A. That is more than I can tell, indeed.

Q. How many do you know that you gave out; did you give out three?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Yes, sir, I did; but I cannot say how many.

Q. How many more?—A. I cannot answer that at all.

Q. I want you to remember, Mr. Grady, about the conversation that took place between you and Monaghan in regard to this ten dollars, when he gave it to you.

(Mr. Pomeroy, on behalf of contestant, objected.)

A. There was no such conversation about any such thing as that at all; not a bit.

Q. About this money when he gave it to you?

(No answer.)

Q. Can you give us the conversation that took place at the time he gave it to you?—A. No, sir; I cannot.

Q. Had you any conversation with Michael Monaghan before getting the ten dollars?—A. No, sir.

Q. In relation to the election?—A. No, sir.

Q. Had you any with him after?—A. After?

Q. Yes.—A. No; I had not; not a bit of a word.

Q. Nothing was said about this matter before or after the giving of the ten dollars?—A. Did not I answer that once before? Once is enough.

Q. Was there before or after the giving of the money any conversation in regard to it?

(Mr. Pomeroy, on behalf of contestant, objected.)

The COMMISSIONER. Answer the question.

A. There was no conversation at all.

Q. Have you had any conversation about this with Michael Monaghan since you were subpœnaed here?—A. No, sir; I might see him going to work, but that is all.

Q. You were subpœnaed to produce your naturalization-papers. Have you got them?—A. Yes, sir. (Papers produced.)

Q. Have you your tax-receipts?—A. Yes, sir. (Receipts produced.)

Q. When were you born, do you know?—A. Indeed, I cannot tell; that is true.

Q. How old are you now?—A. That is more than I can tell, either. I will have to send to the old country for them.

Q. About how old?—A. I cannot tell.

Q. Are you forty?—A. No, indeed; perhaps I may be, and perhaps I am not. According to them (indicating naturalization-papers) I think I ought to be a little more.

Q. Do you know when you came to the country?—A. Yes, sir.

Q. When?—A. I came in the latter part of February, 1855, and got my paper on March 5.

Q. How old were you then?—A. I do not know.

Q. Do you know whether you were of age when you got your first papers?—A. Yes, sir. I know that much.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Pomeroy:

Q. You did not sell your vote for ten dollars, did you?—A. No, sir; if there was not a ten dollars in the country, I would vote for the same man myself.

Redirect examination by Mr. Nash:

Q. Had you been acting as a member of the Republican party up to 1876?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. No, sir; only if there was any man I would think fit to vote for I would vote for him, and that is all.

Q. Have you not been a Democrat in politics, generally?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. There is too many politics going on now, I should think.

Q. Have you not been a Democrat in politics?—A. Sometimes, when it suits.

Q. Have you not been a delegate to Democratic conventions?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. No, sir; never.

Q. Have you not voted at Democratic delegate elections?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Yes; sometimes.

Q. Have you ever voted at Republican delegate elections?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Yes; I did.

Q. When?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I cannot exactly tell the time, but I know the man I voted for; he was John R. Davis.

Q. That is not a delegate election. Have you ever voted for delegates to the Republican convention?—A. No, sir; I believe I never did.

Q. Tell us whether or not you voted at a delegate election last year.

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Yes; I believe I did, sir.

DANIEL GRADY.

Sworn and subscribed before me this 13th day of March, 1877.

JAMES HUTTON,
Notary Public.

Thomas Bellis recalled.

Direct examination by Mr. Nash:

Question. Have you your tax-receipts dated December 23, 1874?—Answer. Yes, sir. (Tax-receipts produced.)

(No cross-examination.)

THOMAS BELLIS.

Sworn and subscribed before me this 13th day of March, 1877.

JAMES HUTTON,
Notary Public.

PETER MONAGHAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Have you been able to get those papers of your father since?—Answer. No, sir; but I can testify to the time he got them. He got them in 1854.

Q. Have you got your tax-receipts?—A. No, sir; I have not got no tax-receipts; I could not find them, except the borough tax receipt.

Q. Did you pay John Reilly?—A. No, sir.

Q. Or Henry Newman?—A. No, sir.

Q. Did you pay Anthony Devitt taxes for 1874, State or county?—A. I believe I have; I am not right sure; that is more than I can say it I did or not. I suppose I have got to pay them all.

Q. You have told us here for whom you voted?—A. Yes, sir; I did.

Q. Did you ever have a receipt from Anthony Devitt, to your knowledge? He was State and county tax-collector for 1874.—A. No; I did not.

Q. The last State and county tax receipt you had was from Ned Monaghan?—A. Yes, sir.

Q. Then was that paid?—A. Yes; that is, to the best of my knowledge, I think.

Q. Then you paid no State or county tax to John A. Reilly, collector for 1876, or to Newman, collector for 1875, or to Anthony Devitt, collector for 1874?—A. No, sir; I did not.

Q. Did you tell us how you voted for Congress at the last November election of 1876?—A. I swore I voted for Colonel Nutting at the last November election.

Cross examination on behalf of contestant (reserving all exceptions and objections) by Mr. Pomeroy:

Q. Did you pay any one a tax in 1874, 1875, or 1876?—A. I paid borough taxes.

Q. State or county taxes?—A. No.

Q. To whom did you pay borough taxes?—Q. To Dan Ellis.

Q. Did you ever have a receipt for State or county taxes for 1874, 1875, or 1876?—A. No, sir.

PETER MONAGHAN.

Sworn and subscribed before me this 13th day of March, 1877.

JAMES HUTTON,
Notary Public.

JOSEPH KNIGHT, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Pomeroy, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. Shenandoah.

Q. In what ward?—A. The third ward, I think it is.

Q. Did you vote in the third ward, at the November election of 1876?—A. Yes, sir.

Q. Where were you born?—A. In England.

Q. Can you tell us what time?—A. About 1830.

Q. When did you come to this country?—A. In 1864.

Q. Tell us whether or not you paid State or county taxes within two years prior to the last election.—A. I paid all.

Q. To whom did you pay State and county taxes?—A. To Henry Newman and Monaghan and all of the rest.

Q. Have you your tax-receipts and naturalization-papers?—A. Yes, sir. (Papers produced.)

Q. Are these all of the receipts you have for taxes within the last two years?—A. I have one more, that is mislaid some place.

Q. To whom did you pay that?—A. To Newman, I think.

Q. In this borough?—A. Yes, sir.

Q. Tell us whether or not those are the only county taxes you paid for the last two years.—A. No, sir; that is the borough-tax (indicating); that is school-tax, and these are the county-taxes; here are Newman's and Reilly's, and then the other ones are Monaghan's two receipts.

Q. These are only two receipts you received when you paid Monaghan?—A. Yes, sir.

(Mr. Nash, on behalf of incumbent, offered in evidence two tax-receipts, as follows:)

"SHENANDOAH, PA., *January* 22, 1877.

"Received of Joseph Knight for county-tax, three and eighty-five hundredths dollars for the year 1876.

"JOHN REILLY, *Collector*."

"SHENANDOAH, PA., *January* 8, 1877.

"Received of Joseph Knight the sum of three and fifty hundredths dollars, in full for State and county tax for the year 1875.

"H. J. NEWMAN, *Collector*."

Q. Tell us whether or not you paid Anthony Devitt, State and county tax for the year 1874.—A. Yes, sir; I did.

Q. When?—A. When did I pay it? I guess the fall of that year.

Q. The fall of what year?—A. 1874.

Q. Was it before or after the election?—A. After.

Q. What time?—A. Well, I cannot hardly tell; just whenever they came for it.

Q. Can you tell us where that receipt is?—A. No; I seen one was short; I do not know where it is.

Q. And these two receipts are the only two you paid for State and county taxes within two years prior to the November election of 1876?—A. I might find it if I put myself to a great deal of trouble.

Q. Are you positive that you paid it?—A. I am positive I paid it; yes, sir.

Q. Do you know when you paid it?—A. When I lived in the house.

Q. To whom?—A. To Anthony Devitt, I think, or else to Monaghan; I do not know which was collecting at that time.

Q. That you do not know whether you paid the tax of 1874 to Monaghan or to Anthony Devitt?—A. I am not sure which.

Q. What Monaghan was it—Edward Monaghan?—A. I am not sure which of the two, but I seen there was one receipt short.

Q. Is it because the receipts are one short that you calculate you paid the taxes for 1874?

(Mr. Pomeroy, on behalf of contestant, objected.)

Q. Is that the ground upon which you say you paid the tax for 1874?—A. Because there is one short?

Q. Yes, sir.—A. No, sir; it has been mislaid; the receipt has been taken.

Q. But you cannot tell us whether that was paid to Monaghan or Anthony Devitt?—A. No, sir; not really. In 1874 do you say? I did not fetch my receipts for 1874; none of them.

Q. For 1874 taxes?—A. Yes, sir.

Q. Can you get those receipts?—A. Yes, sir; I can get them. I was only requested to fetch 1874 and 1876.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Pomeroy:

Q. Are you positive that you have paid your State and county taxes for every year?—A. Yes, sir.

Q. When did you pay that tax for 1875 to Newman?—A. When did I pay it? What date is this, 1877? That is the date for 1875 tax.

(Witness being withdrawn for further examination, returned with tax-receipt for 1874.)

Redirect examination by Mr. Nash:

Q. Is that your tax-receipt for 1874?—A. Yes, sir.

(Mr. Nash, on behalf of incumbent, offered in evidence tax-receipt:)

"SHENANDOAH, *October* 26, 1874.

"Received of Joseph Knight seven dollars county and borough taxes for 1874. County tax, $3.50; borough tax, $3.50—$7.00.

"ANTHONY DEVITT,

"*Collector*."

Recross-examination by Mr. Pomeroy:

Q. Did you pay State or county tax to any one at any time between October 26, 1874, and the date of the two receipts you produced here this morning of 1877?—A. Yes; here are the other receipts (indicating).

Q. Did you pay State or county tax at any time to any one between October, 1874, and January, 1877?—A. I do not remember.

Q. These are your three receipts.—A. Those are the ones that I paid for taxes.

Q. Here are the receipts for 1875 dated January, 1877; and the receipt for 1876, dated January, 1877; and the receipt for 1874, dated October 26, 1874; have you paid any State or county taxes between these dates?—A. I have not paid any taxes, State or county, according——

Q. These are the only ones you have paid for three years?—A. Yes, sir; just according to the dates on them.

Q. Are you a property-owner?—A. I am; I have a small property on leased ground.

Q. You are not a real-estate owner?—A. No, sir; I am not a real-estate owner.

Redirect examination by Mr. Nash:

Q. For whom did you vote for Congress at the November election of 1876?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I voted for—I believe I voted for Nutting.

JOSEPH KNIGHT.

Sworn and subscribed before me this 13th day of March, 1877.

JAMES HUTTON,
Notary Public.

Adjourned at 12 o'clock until 2 o'clock p. m.

TUESDAY, *March* 13, 1877.

Afternoon session. Examination resumed at 2 p. m. Counsel for respective parties present.

RICHARD KNIGHT, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Pomeroy, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. Shenandoah City.

Q. In what ward?—A. In the fourth ward.

Q. Did you live and vote there during the fall election of 1876?—A. Yes, sir.

Q. Have you paid a State and county tax within two years prior to the last fall election?—A. Yes, sir.

Q. Have you your tax-receipts?—A. Yes, sir. (Receipts produced.)

Q. Where were you born?—A. I was born in England.

Q. When?—A. In the year 1831.

Q. When did you come to this country?—A. Eighteen hundred and fifty-seven—in June, 1857.

Q. Were you naturalized?—A. Yes, sir.

Q. How long had you resided in the ward in which you voted before the election?—A. I resided from April 1, 1866, until the election. I was in the third ward here up to that time, and then I moved over to the fourth ward.

Q. You lived in the third ward up to the time of the election and voted there?—A. Yes, sir.

(No cross-examination.)

RICHARD KNIGHT.

Sworn and subscribed before me this 13th day of March, 1877.

JAMES HUTTON,
Notary Public.

CHARLES AMOUR, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Pomeroy, on behalf of contestant, objected to the examination of this witness on account of insufficient notice.)

Question. Where do you live?—Answer. Third ward of Shenandoah.

Q. How long have you lived there?—A. About two months.

Q. Where did you live at the time of the November election of 1876?—A. The fourth ward of Shenandoah.

Q. How long had you lived there?—A. I guess about a little over three years.

Q. Did you vote at the last November election of 1876?—A. Yes, sir.

Q. In the fourth ward?—A. Yes, sir.

Q. How long did you live in the fourth ward?—A. A little over three years.

Q. Have you paid a State or county tax within two years prior to the November election of 1876?—A. Yes, sir.

Q. You were subpœnaed to produce your tax-receipts; have you got them?—A. Yes, sir. (Tax receipts produced.) The State-tax paper I could not look up.

Q. To whom did you pay this tax of August 4, 1876, for the year 1875?—A. To Neuman, I believe.

Q. You paid that?—A. My brother Richard paid it for me.

Q. What time did you pay the tax for 1874; was it before or after the election?—A. Before the election.

Q. Did you pay it personally yourself?—A. I do not know whether me or my mother paid it.

Q. You paid the tax for 1876 after the election of 1876?—A. Yes, sir.

Q. Then the only tax you paid within two years prior to the last election was the tax your brother paid to Neuman for 1875?—A. Yes, sir.

(Mr. Nash, on behalf of contestant, offered in evidence the following tax-receipt):

"SHENANDOAH, *August* 4, 1876.

"Received of Charles Amour the sum of one and fifty-hundredths dollars, in full for State and county taxes for the year 1875.

"H. J. NEUMAN, *Collector.*"

Q. This tax was paid by your brother?—A. Yes, sir.

Q. Where were you born?—A. In England.

Q. Can you tell when?—A. In the year 1851.

Q. When did you come to this country?—A. I came to this country in 1869.

Q. Were you ever naturalized?—A. Yes, sir.

Q. What time were you born in 1851?—A. October.

Q. What time of the year did you come to this country in 1869?—A.

Either the last of September or the 1st or 2d of October. I cannot be sure which.

Q. Do you know what day of October is your birthday?—A. The 16th is my birthday.

Q. What day of the month did you leave for this country?—A. I could not say. I am not sure.

Q. Can you tell whether it was the first or latter part of October?—A. The beginning of October.

Q. Tell us, if you can, whether or not it was before or after your birthday?—A. Before my birthday.

Q. Are you positive of that?—A. Yes, sir; I came to the country before my birthday.

Q. To what part of the country did you come?—A. Trenton, N. J.

Q. What time did you get there?—A. We went straight up from New York the same day that we landed.

Q. You swore that you came here in 1869?—A. Yes, sir.

(Mr. Nash, on behalf of incumbent, offered in evidence a certified copy of the paper of Charles D. Amour, a native of England, issued out of the criminal court of the county of Schuylkill, on the 16th day of October, 1872, signed by Charles J. Rahm, clerk of the criminal court, attested by the seal of said court.)

Cross-examination on behalf contestant (reserving all exceptions and objections) by Mr. Pomeroy:

Q. Is your father in this country?—A. My father is dead, sir.

Q. Was he ever in this country?—A. Yes, sir.

Q. Was he a naturalized citizen?—A. No, sir; he was not here long enough.

Q. When did you get this naturalization-paper?—A. The 16th of October, 1872.

Q. You came to this country in 1869; you are positive of that, are you?—A. Yes, sir.

Redirect examination by Mr. Nash:

Q. For whom did you vote for Congress at the last election?

(Mr. Pomeroy, on behalf of contestant, objected to the question as not the best evidence.)

A. Mr. J. L. Nutting.

Q. Do you read, Mr. Amour?—A. Yes, sir.

Q. Did you read the ticket you voted at the last election?—A. Yes, sir.

Q. Did you see Mr. Nutting's name on it?—A. Yes, sir.

CHARLES D. AMOUR.

Sworn and subscribed before me this 13th day of March, 1877.

JAMES HUTTON,

Notary Public.

RICHARD AMOUR, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Pomeroy, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. Third ward of Shenandoah.

Q. Did you live there at the time of the November election of 1876?—A. No, sir; I lived in the fourth ward.

Q. Did you vote in the fourth ward of Shenandoah at the November election of 1876?—A. Yes, sir.

Q. Have you paid a State or county tax within two years prior to the election of 1876?—A. Yes, sir.

Q. Have you the receipts?—A. Yes, sir. (Receipts produced.) I have not got them for 1874; we have been moving a little and I could not find all of them.

Q. What time did you pay your taxes in 1875?—A. Well, sir, I can't swear to that.

Q. The taxes that you paid for 1876 were paid after the election?—A. Yes, sir.

Q. And the tax for 1875 was paid August 4, 1876?—A. (Looking at tax receipts.) Yes, sir.

Q. Where were you born?—A. In England.

Q. When were you born?—A. 1850.

Q. When did you come to this country?—A. In 1869.

Q. Are you and the man who was on the stand just now brothers—twins?—A. No, sir; not twins.

Q. Were you ever naturalized?—A. Yes, sir.

Q. You were born in 1850 and came to this country in 1869?—A. Yes, sir.

Q. Tell us the day of the month you were born?—A. June 20.

Q. What time did you come to the country?—A. I believe it was the latter part of September or early in October. I think it was the 5th of October.

(Mr. Nash, on behalf of contestant, offered in evidence a certified copy of the naturalization-paper of Richard Amour, a native of England, commonly known as a minor-paper, issued out of the court of common pleas of Schuylkill County, which recites that the petitioner is a free white person, and an alien, and is desirous of becoming a citizen of America, and that he has resided in the United States three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that, including the aforesaid years of his minority, he has resided within the limits and under the jurisdiction of the United States five years and upwards. Signed by Charles F. Rahm, clerk of the criminal court; sealed by the seal of the said court.

Q. You never took out any other paper, did you, besides this?—A. No, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Pomeroy:

Q. When did you get this paper?—A. In 1872.

Q. Are you positive that you came to the country in 1869?—A. Yes, sir.

Q. Are you positive that you were born in 1850?—A. Yes, sir.

Redirect examination by Mr. Nash:

Q. You voted in the fourth ward of Shenandoah at the election of 1876?—A. Yes, sir.

Q. For whom did you vote for Congress at that election?—A. To tell you the truth, I suppose I voted the full Republican ticket, but I must say I never read the ticket; but I voted the full Republican ticket.

Q. Who gave you your ticket?—A. Well, now, I would not swear to that. It was one of two parties, but which one I could not swear.

Q. Give us the parties.—A. It was either Boyer or John James, but which I can't say.

Q. Boyer was postmaster of Shenandoah?—A. Yes, sir.

Recross examination by Mr. Pomeroy:

Q. You did not ead your ticket, you said?—A. No, sir; I asked the

party who gave me the ticket if it was a full Republican ticket, and he said "Yes."

Q. And you know that you voted the full Republican ticket only by hearsay?—A. By hearsay.

Redirect examination by Mr. Nash:

Q. But you got it from a Republican upon asking for it?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I got it from one who I supposed to be.

Q. Did you pay these taxes to Neuman personally yourself; these taxes for 1875?—A. No, sir.

(Mr. Nash, on behalf of incumbent, offered in evidence the following tax-receipt:)

"SHENANDOAH, PA., *August* 4, 1876.

"Received of Richard Amour the sum of fifty cents, in full for State and county tax for the year 1875.

"H. J. NEUMAN,
"*Collector.*"

A. (Witness continuing.) I would like to make an explanation here. Mr. Foster—I was doing a little business for him, and he had not the money to pay me at the time, and I could not pay the tax-receipts, and Mr. Neuman saw Mr. Foster, and it was settled here that way.

Q. Did you get your receipt from Neuman?—A. Yes, sir.

Q. But paid it in the way you described?—A. Yes, sir; as I described.

RICHD. AMOUR.

Sworn and subscribed before me this 13th day of March, 1877.

JAMES HUTTON,
Notary Public.

ABRAM MASTON, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Pomeroy, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. In Shenandoah.

Q. In which ward?—A. I live in the second, I guess.

Q. Did you live there before the election of 1876?—A. Yes, sir.

Q. Did you vote in that ward in 1876?—A. Yes, sir; I guess I did.

Q. Have you paid a State or county tax within two years prior to the November election of 1876?—A. Yes, sir; I guess I have.

Q. Have you your tax-receipts with you?—A. Yes, sir. (Receipts produced.)

Q. Where were you born?—A. I was born in England.

Q. When were you born?—A. I was born in 1850.

Q. What month?—A. May; the 11th of May.

Q. When did you come to this country?—A. In March, 1867.

Q. Do you know what time in March?—A. I believe I landed the 29th; I could not say, exactly.

Q. Were you ever naturalized?—A. Yes, sir.

Q. Have you your papers?—A. I got one. (Paper produced.)

Q. What time did you come to the country?—A. I came in March, 1867.

Q. Are you positive of the time you were born?—A. Yes, sir; as near as I can recollect.

Q. How do you fix the time of your birth?—A. If I was in England at the present time, I could show you on the Bible—the family Bible.

Q. Did you ever see it there?—A. Yes, sir.
Q. With the day of the month?—A. Yes, sir.
Q. How long did you live in the ward in which you voted, before the November election?—A. In the second ward?
Q. Yes, sir.—A. I guess I lived about two years and a half; I guess somewhere between two and three years, anyhow.
(No cross-examination.)

A. MASTON.

Sworn and subscribed before me this 13th day of March, 1877.

JAMES HUTTON,
Notary Public.

Adjourned at 3 p. m. until 7.30 p. m.

TUESDAY, *March* 13, 1877.

Evening session. Examination resumed at 7.30 p. m. Counsel for respective parties present.

MICHAEL MONAGHAN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Pomeroy, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)
Question. Where do you live?—Answer. Fifth ward of Shenandoah.
Q. And voted in that ward in the last November election?—A. Yes, sir.
Q. For whom did you vote for member of Congress at the election of 1876?
(Mr. Pomeroy, on behalf of contestant, objected to this question, as he has not been proven to be an illegal voter.)
A. I voted for Mr. Nutting.
(No cross-examination.)

his
MICHAEL + MONAGHAN.
mark.

Sworn and subscribed before me this 13th day of March, 1877.

JAMES HUTTON,
Notary Public.

Examination adjourned at 7.40 p. m. until 9.30 a. m., Wednesday, March 14, 1877.

WEDNESDAY, *March* 14, 1877.

Morning session. Examination resumed at 9.30 a. m. Counsel for respective parties present.

GEORGE H. MILLER, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. Raven Run.
Q. In what township?—A. West Mahanoy.
Q. Is there another George Miller there?—A. Not that I know of.
Q. How long have you lived there?—A. I moved in June, 1875.
Q. Have you lived there since?—A. Yes; I lived there since.
Q. Have you paid a State or county tax within two years of the election in November, 1876?—A. I have.
Q. Have you the receipts for them?—A. I have. (Receipts produced.)
Q. To whom did you pay these taxes?—A. To H. J. Neuman.

Q. Did you pay it personally to him?—A. I did.
Q. Were you born in this country?—A. Yes, sir.
(No cross-examination.)

GEORGE H. MILLER.

Sworn and subscribed before me this 14th day of March, 1877.

JAMES HUTTON,
Notary Public.

LONGSTAFF MIDDLETON, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In Gilberton borough.
Q. Did you vote there at the election of 1876?—A. Yes, sir.
Q. In what ward did you vote?—A. In the east ward.
Q. Whereabouts do you reside now?—A. In Gilberton, in the east ward now.
Q. Where did you reside at the time of the election?—A. In the east ward.
Q. How long had you lived in the east ward?—A. I had been there about—over eighteen months now.
Q. Are you keeping house?—A. No, sir; I am a single man, boarding.
Q. Boarding with whom?—A. With James Garway.
Q. Have you paid a State or county tax within two years prior to the last election?—A. Yes, sir.
Q. Have you got the receipts?—A. No, sir; I have not got them all, but I have got 1876.
Q. Had you not lived outside of the east ward some time immediately prior to the election of 1876?
(Mr. Pomeroy, on behalf of contestant, objected.)
A. No, sir; not within the last eighteen months before.
Q. Where had you been boarding all of the time?—A. At James Garway's, since I left home.
Q. When did you leave home?—A. Since about eighteen months before.
Q. In what ward do your parents live?—A. In the middle ward.
Q. Whereabouts is James Garway's house? Is it near Frank McKeon's?—A. No, sir; it is right near the Draper colliery, on the south side of the railroad.
Q. What is the name of the place?—A. They sometimes call it Baldy's Hill; Draper colliery they generally call it.
Q. Who lives next to Garway?
(Mr. Pomeroy, on behalf of contestant, objected.)
A. William McKecherey.
Q. Who lives on the opposite side?
(Mr. Pomeroy, on behalf of contestant, objected.)
A. William Campbell.
Q. On which side of the Draper colliery do you live?
(Mr. Pomeroy, on behalf of contestant, objected.)
A. On the side next to the planes.
Q. On the west side?—A. O, no; on the south side; on the same side of the mountains the planes are on.
Q. Would not that be the west side?—A. No.
Q. You live between the planes and the Draper colliery?—A. No; before the Draper colliery, toward Mahanoy.
Q. You live between Draper colliery and Mahanoy City?—A. Yes, sir.
Q. Then you live east of the Draper colliery?—A. Yes, sir.

Q. Tell us whether you ever boarded at home since you went to board with Garway?—A. No, sir.

Q. Tell us whether you have lived constantly at Garway's since the time you first went there until the election?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I have been stationed there all the time.

Q. Have you lived at Garway's all the time since you went there first until the election?—A. Yes, I have.

Q. Tell us whether you lived at Garway's at the time of the election in the fall of 1876?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I have told you once that I lived there.

Q. At Garway's?—A. Yes, sir; at Garway's. I lived there at the time of the election.

Q. Do you live there yet?—A. Yes, sir; I do.

Q. Had you lived at any other place from the time that you first went to Garway's until the election? Had you lived at any other place?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. No, sir.

Q. Where were you born; in this country?—A. No, sir.

Q. When were you born?—A. I am in this country about twenty-nine years, I guess.

Q. How old are you?—A. I believe I was born in 1848.

Q. Can you tell, then, how old you are now?—A. I am not much of a reckoner myself; I could not exactly tell you.

Q. Tell us whether or not you were ever naturalized?—A. No, sir; I go on my father's papers.

Q. Have you got them here?—A. Yes, sir. (Papers produced.)

Q. You were born in 1848?—A. I was so.

Q. Who brought you to this country?—A. I came with my parents.

Q. Do you know when you came?—A. No, sir; I do not recollect.

Q. Then you were born in Europe?—A. In England.

Q. Can you give us your birthday?—A. No, sir; I can't do that.

Q. Did your father come over with you?—A. As far as I can understand, he did.

Q. How old were you when you came to the country? Do you know from anything that your parents told you or otherwise?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I suppose between three and four years.

Q. Do you remember it?—A. No, sir.

(Mr. Nash, on behalf of incumbent, offered in evidence a naturalization-paper which Longstaff Middleton produced as his father's, dated September 15, 1853, issued out of the court of common pleas of the county of Schuylkill to Stephen Middleton, a native of England, and recites that he had taken a declaration of intentions made the 29th of January, 1849, with the seal of the court of common pleas of Pottsville, and signed John Harlan, prothonotary, to which paper Patrick Lally is a witness.)

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Pomeroy:

Q. You were an infant when you came to this country?—A. Yes, sir.

Q. And too young to remember the time?—A. Yes, sir.

Q. Do you remember how many years you have been in this country?—A. I guess between twenty-eight and twenty-nine; somewhere about that.

Redirect examination by Mr. Nash:

Q. For whom did you vote for Congress at the November election in 1876?

(Mr. Pomeroy, on behalf of contestant, objected on the ground that the foregoing testimony clearly proves that the witness was a legal voter at the last election.)

A. My principles were Republican.

Q. Your principles were Republican. For whom did you vote for Congress at the November election of 1876, if your principles are Republican?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I voted for Nutting.

LONGSTAFF MIDDLETON.

Sworn and subscribed before me this 14th day of March, 1877.

JAMES HUTTON,
Notary Public.

MATTHEW FRANCIS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

Question. Where do you live?—Answer. In Gilberton.

Q. Did you vote at the November election of 1876?—A. Yes, sir.

Q. In what ward did you vote?—A. In the middle ward.

Q. At McKeon's?—A. Yes, sir.

Q. Where were you staying at that time?—A. In the middle ward, with John Francis, my father.

Q. At the time of the election?—A. Yes, sir.

Q. How long had you lived in the middle ward before the election?—A. Before it has been a ward, or before it has been a borough.

Q. Whereabouts did you live, east or west of McKeon's?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. East.

Q. How far?—A. That is more than I can tell; I do not know exactly.

Q. What colliery is next to it?—A. The Gilberton Coal Company.

Q. Can you tell how far from McKeon's that is?—A. No, sir.

Q. Can you tell about how far?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I could not judge.

Q. Is it a mile?—A. No, sir; it is not.

Q. Is it a quarter of a mile?—A. That I could not tell. I never could measure a mile; if I could, I would know it. It is not half a mile; that is, as near as I can judge.

Q. Can you tell us whether it is quarter of a mile?—A. No, sir; I cannot.

Q. Did your father live in Gilberton at the time of the election?—A. Yes, sir.

Q. Had not your father gone down the mountain before the election?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Yes, sir.

Q. Had you not broken up housekeeping, and you and your two brothers gone to board at some other place, before the election?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Yes, sir.

Q. Your father had left the house in which he resided, had he not, before the election?—Yes, sir; he left it.

Q. Where did he go?—A. He went to Schuylkill Haven, as far as I know.

Q. Where did you and your brother John go?—A. To what is called the east ward now; it was not then, though.

Q. What was it then?—A. Gilberton borough, as far as I know.

Q. Then before the election you moved to the east ward?—A. Yes, sir.

Q. With whom did you go to board?—A. Patrick McGee.

Q. Have you continued to board there ever since?—A. No, sir.

Q. Where have you boarded since then?—A. Boarded at home since before the election.

Q. Can you tell us what time it was your father left the middle ward?—A. I cannot tell you.

Q. Was it during the summer?—A. I do not know exactly; I would not say; I guess it was in September, as near as I can judge; I am not positive, though.

Q. Can you tell us about what time he came back?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. About two weeks or less; he did not go away with the intention of staying away.

Q. Two weeks or less before the election?—A. No, sir; a good bit before it he went away; it was not with the intention of staying away.

Q. What time was it that he went away?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. He went away in September, as much as I can judge, and I think it was in the beginning.

Q. Can you tell us now about what time he came back again?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. No, sir.

Q. Tell us how long he remained away?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. He remained away about two weeks, or something about it.

Q. Can you tell how long before the election he came back?—A. I cannot tell you; I don't know; I guess I would know if it was brought to my memory.

Q. Was it two weeks before the election?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. The election was in November, as much as I can judge. Well, I should think it ought to be a good deal more than two weeks to go away in September.

Q. It is when he came back that I want to know.—A. I do not know.

Q. Did you all go to housekeeping when he came back?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. We did not.

Q. Where did he stop?—A. Who?

Q. Your father, when he came back?—A. In Schuylkill Haven.

Q. But when he came back?—A. He stopped in Gilberton.

Q. In the house that he had lived in?—A. Yes, sir.

Q. Then, where were you stopping when he came back?—A. In the house that I live in now.

Q. Is that the house that you lived in when he went to Schuylkill Haven?—A. Yes, sir.

Q. When did you go back to that house?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Well, we went back, I think it was, on the—I could not tell the day when we went back. I went back in December, I judge.

Q. You broke up housekeeping when your father went away, did not you?—A. No, sir.

Q. Did you continue to live in the house in which you lived after your father went away?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. No, sir; but my father continued in the house when we went away.

Q. What time did you leave that house?—A. I left it in August.

Q. How long did you remain away?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I remained away a month, I should judge. I can't say exactly.

Q. Do you know what time in the month you came back?—A. No, sir.

Q. While you were away, where were you?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. At Patrick McGee's.

Q. Where was Patrick McGee's—in what ward?

(Mr. Pomeroy, on behalf of contestant, objected).

A. In the east ward now, but it was not then, for the borough had not been made into wards, not at that time; if it had, it was not known among the people in the borough.

Q. In what ward do you live now?—A. The middle ward.

Q. How long after your father had gone away did you come to the house?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I do not know exactly.

Q. Well, try and give us an answer as near as you can.—A. Well, that I do not know. I did not keep any account of any such thing as that.

Q. What time in August did you leave home?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I could not say what time.

Q. Give us your best judgment as to what time.—A. I guess it was about the latter part of August.

Q. Can you give us exactly how long you were away?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I was away a month.

Q. More?—A. No; I think it was about a month; I could not say exactly, but as near as I can judge, I should say about a month.

Q. Did you board at McGee's?—A. Yes, sir.

Q. Was your brother John with you, too?—A. No, sir; he didn't board with me.

Q. Did he leave at the same time?—A. No, sir; he left after me.

Q. Did he go back at the same time?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. No, sir.

Q. How long after you had been home did your father come back?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I don't exactly know how long; indeed, I could, not say, it had not been long.

Q. About how long?—A. I could not say; if I could I would; it had been only a short time.

Q. Was it a couple of months?—A. No, sir, it was not. I don't think it had been a week.

Q. Where is your father now?—A. At home in Gilberton borough.

Q. John Francis, sr.?—A. Yes, sir; that is the man.

Q. Why is he not here?—A. He is sick.

Q. How old a man is he?—A. I guess about fifty or sixty years old.

Q. Where did your brother John go to board when he went away from home?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. He went to board at Gilberton, at John Shales' in the east ward.

Q. How long after your father went away did he come back to the house?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. That I don't know.

Q. About how long after your father went away did your brother come back home to the house?—A. He went away a short time after I did and left the house and went to board shortly after I did.

Q. About how long after you came did your brother John come back?—A. In a couple of days or three days or so; somewhere about that.

Q. Have you paid State or county taxes within two years before the election of 1876?—A. No, sir; I have not. I had not it paid two years before 1876; I paid my taxes for 1875 and 1876, and that is all I paid.

Q. Have you got the receipts?—A. I have got the 1876, but I have lost the 1875 receipt. (Receipts produced.) I would have got the 1875 only McKeon got his receipts renewed.

Q. When did you pay the 1875 tax?—A. I lost the receipt.

Q. To whom did you pay it?—A. To Frank McKeon.

Q. Was he the borough or county collector for 1875?—A. He was a borough collector as far as I understand.

Q. Was it a borough or county tax you paid in 1875?—A. That I can't tell.

(Mr. Nash, on behalf of incumbent, offered paper in evidence:

"GILBERTON BOROUGH, *December* 13, 1876.

"Matthew Francis: You are hereby notified that your taxes are as follows: County tax, $0.75; building-tax, $0.08; borough tax, $0.75—$1.58.

"The law requires all taxes to be paid within thirty days of notice.

"FRANK McKEON,

"*Collector.*")

Q. Do you know what time you paid that tax of 1875?—A. No, sir.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Pomeroy:

Q. You live in the middle ward of Gilberton now?—A. Yes, sir.

Q. Did you live in the middle ward of Gilberton during the election in November last?—A. Yes, sir.

Q. Was it known as the middle ward of Gilberton in November last?—A. Yes, sir; it was known then, but I don't believe it was known before that.

Q. It was called the middle ward then?—A. It was called the middle ward then.

Q. Did you live in the same place in August, 1876, in the middle ward?—A. No, sir; I left in August.

Q. Did you live there until in August?—A. Yes, sir.

Q. In the same house?—A. Yes, sir.

Q. You say you lived there in August, 1876?—A. Yes, sir.

Q. You were gone only a month?—A. Somewhere about it.

Q. Did you pay your tax for 1875 in the year 1875?—A. Yes, sir; to the best of my knowledge, I did.

Q. To the same collector to whom you paid this tax of 1876?—A. Yes, sir; and he told me last night he could certify to it, too.

Q. Do you know when Gilberton was divided into wards?—A. I heard it had been divided into wards a little before the election.

Q. You were living where you live now for one month before election, were you not?—A. Somewhere about that; yes, one month where I am living now—a little over a month.

Q. Continuously?—A. Yes, sir.

Q. Do you remember the amount of the tax you paid in 1875?—A. I think it was one dollar and sixty cents, as much as I can judge, but I am not positively sure.

Q. Do you remember whether that was the amount of tax on it?—A. I do not remember; I never did take much notice, only to pay what he would ask and be done with it.

Redirect examination by Mr. Nash:

Q. Do you know where the Bear Ridge colliery is?—A. Yes, sir.

Q. Do you know where the Stanton colliery is?—A. Yes, sir.

Q. Did you live down there?—A. No, sir; I lived between the Stanton colliery and Gilberton.

Q. For whom did you vote for Congress at the last November election of 1876?

(Mr. Pomeroy, on behalf of contestant, objected, and as counsel for contestant requested the commissioner to instruct witness that he need not answer unless he has been proven an illegal voter.)

Recross-examination by Mr. Pomeroy:

Q. When you left the middle ward of the borough of Gilberton in August, 1876, did you move out of that ward with the expectation of returning?—A. I expected to come back.

Q. You expected to return, and you considered that your home?—A. Yes, sir.

Q. You stated that the borough of Gilberton at that time had not been divided into wards?—A. No, sir; not at that time, not to my knowledge.

Q. You did not know it?—A. No, sir; there used to be only one poll to vote at until that election.

Q. Tell us why you left the middle ward in August, 1876?—A. Well, I did not agree very well at home, so I thought I would leave for a while.

Q. Did you consider that your home?—A. Yes, sir.

Q. And expected to return to it?—A. Yes, sir.

Redirect examination by Mr. Nash:

Q. When did you expect to return, when you left?—A. I did not name any day. The day I left I expected to return, but I did not name the day I would return.

Q. Did you expect to return before the election?—A. No, sir; I did not think of the November election.

Q. Suppose your father had not gone away, would you have gone back at the time you did?—A. Yes, sir.

Q. If he had not gone back?—A. Yes, sir.

Q. At the time you left you did not expect to go back at that time, though?—A. Not for a while.

Q. How long did you intend to remain away?—A. I did not name how long.

Q. You paid board at McGee's?—A. No, sir; I sold him a horse, and boarded it out and got cash for the rest.

Q. How many months' board did you pay in that way?—A. I did not pay any month's board at all; of course that was stopped out of it.

Q. How long was it stopped out of it?—A. I guess about twenty days; they kept a tavern, too. I was in for a little bit of a drunk.

Q. Did your father vote at the last election too?—A. Yes, sir; he voted at that election.

Q. In what ward?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. In the middle ward.

Recross-examination by Mr. Pomeroy:

Q. You considered that your permanent residence all the time?—A. Yes, sir; the middle ward.

Redirect examination by Mr. Nash:

Q. For whom did you vote for Congress at the last November election of 1876?—A. I voted for Mr. Nutting.

Q. Do you know for whom your father voted?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. No, sir; I do not know. I could not tell what ticket he voted. I was not near when he voted.

MAT. FRANCIS.

Sworn and subscribed before me this 14th day of March, 1877.

JAMES HUTTON,
Notary Public.

Adjourned at 11.30 a. m. until 1.30 p. m.

WEDNESDAY, *March* 14, 1877.

Afternoon session. Examination resumed at 1.30 p. m. Counsel for respective parties present.

PHELIN MCMENAMIN, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Nash:

(Mr. Pomeroy, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you live?—Answer. I live here in Shenandoah.

Q. In what ward?—A. In the fifth ward, I guess.

Q. Did you vote at the November election of 1876?—A. When was that?

Q. In last November.—A. I did.

Q. Do you know of the payment of any money to corruptly influence any voter in favor of Nutting or the Republican party at the November election of 1876?

(Mr. Pomeroy, on behalf of contestant, objected to it, unless it is intended to be shown to be at the instance or presence of Colonel Nutting.)

(Anthony Devers was here sworn as an interpreter to correctly and faithfully interpret the answers and questions in the pending examination, and the remaining examination was interpreted by him.)

A. I know anything about money?

Q. Tell us whether you were paid money by Martin Monaghan or Michael Monaghan at or immediately preceding the election of 1876?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I got ten dollars. I did not get it from Martin Monaghan.

Q. From whom did you get it?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. From Michael Monaghan.

Q. Tell us what it was given to you for?
(Mr. Pomeroy, on behalf of contestant, objected.)
A. I do not know nothing what I got it for, except to stand at the polls.
Q. What did Michael Monaghan say to you when he gave it to you.
(Mr. Pomeroy, on behalf of contestant, objected.)
A. He said nothing to me.
Q. You say you got it for a day's work at the polls; for what party were you to work at the polls?
(Mr. Pomeroy, on behalf of contestant, objected.)
A. I had my mind made up to fight for Nutting, and I fought for him.
Q. When had you made up your mind to fight for Nutting?
(Mr. Pomeroy, on behalf of contestant, objected.)
A. My mind was made up before the election came.
Q. How long before you got the ten dollars?
(Mr. Pomeroy, on behalf of contestant, objected.)
A. The day of the election I got the money.
Q. Tell us when you made up your mind to fight for Nutting; was it upon the day of election?
(Mr. Pomeroy, on behalf of contestant, objected.)
A. I could not tell how long before, but it was a good while before the election I had my mind made up.
Q. Tell us whether you knew that Nutting was running, and how long before the election?
(Mr. Pomeroy, on behalf of contestant, objected.)
A. I cannot tell how long, but I knew he was running a few days before election.
Q. Who told you that Nutting was running?—A. I was told by a good many before election.
Q. Did you ever hear by Michael Monaghan that Nutting was running?—A. I never heard it from him.
Q. How do you know that the money was given you to stand at the polls?
(Mr. Pomeroy, on behalf of contestant, objected.)
A. I knew nothing about it; but I was to fight for the man.
Q. For what man?—A. For Nutting.
Q. Had you been acting with the Democratic party before the November election?
(Mr. Pomeroy, on behalf of contestant, objected.)
A. I was working for the Democratic party; but I used to put a man off sometimes, and put a man on sometimes.
Q. Where were you born?—A. I believe I was born in the old country.
Q. How old are you now?—A. To the best of my opinion, I am thirty-eight or thirty-nine; I may be a little over; I do not know; I guess I might be a little more.
Q. When did you come to this country?—A. I will be twenty years in it the 13th or 14th of next month.
Q. When was your birthday?—A. I do not know my birthday, but according as I heard some others about my age say so.
Q. And how old are you now?—A. I can't come nearer than I gave it before, thirty-eight or thirty-nine, or may be a little more.
Q. What year did you come here?—A. I can't remember that, because I do not know.
Q. Was it before or after the war had begun?
(Mr. Pomeroy, on behalf of contestant, objected.)
A. It was some time in Jimmy Buchanan's term.

Q. Was it in the latter part of Buchanan's time, or was it in the first part of it?—A. I do not know how long Jimmy had been elected when I came out.

Q. What time of the year did you come to the country?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. About the 13th or 14th of April; I could not tell what time; about the middle of the month.

Q. How old were you when you came to this country, do you know?—A. I was about seventeen or eighteen years, as well as I know; but I might be a little over, I might be, when I came into the country.

Q. How do you fix your age, that you were seventeen or eighteen when you came to the country.

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I cannot fix it only according as I heard some people say so when I left home, that I was about that age.

Q. Have you seen Michael Monaghan since you have been subpœnaed?—A. I often used to talk with him when I would go to work.

Q. Since you were subpœnaed?—A. Yes, sir.

Q. Did you show Michael Monaghan this when you were subpœnaed (indicating naturalization paper).

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I did not; I showed it to my brother-in-law.

Q. When?—A. The same day I got the same subpœna or the day after, I do not know, but it was Sunday.

Q. Who else was present when you showed it?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. My old woman and the children.

Q. Tell us if he asked it of you, or you brought it voluntarily and showed it to him.

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I told them to come and see my paper.

Q. Can you tell us about what year you were born?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I cannot.

Q. In your affidavit, as it appears on your naturalization paper, you swore that you were twenty-eight years of age; that affidavit was made on the 8th of October, 1866; did you swear to what was true when you made that affidavit?—A. I went as near to it as I could.

(Mr. Nash, on behalf of incumbent, offered in evidence paper of Phelin McMenamin, commonly called a minor paper, to which Patrick Morrison is a witness, and in which the affidavit shows that he swore on the day that it was issued that he was twenty-eight years of age; this paper is issued out of the court of common pleas of Schuylkill County, on the 8th day of October, 1866, with the seal of the said court of common pleas; signed by Joseph M. Feger, prothonotary.

Cross examination on behalf of contestant (reserving all exceptions and objections) by Mr. Pomeroy:

Q. Did you sell your vote for ten dollars?—A. I did not; my mind was made up to vote for this man.

Redirect examination by Mr. Nash:

Q. Were you promised any more money besides the ten dollars?—A. No.

Q. When did you first know that you were to get the ten dollars?—A. I did not know anything more than that I got it at the day of election.

Q. You did not stop home from work on the day of election because you got ten dollars, did you?—A. I stopped at home that day, and staid at home three days for the man I was fighting for.

Q. How much do you make a day when you are at work?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. At the present time?

Q. At the time of the election.—A. Some days I would make two dollars and a half, and some days three dollars, and some days a little more, and less sometimes.

Q. Did you come over with Anthony Devers's wife from Ireland?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I did.

Q. Tell us for whom you voted for Congress at the November election of 1876?

Mr. Pomeroy, on behalf of contestant, objected.)

A. I voted for Nutting.

Q. Tell us whether you know of any others who got money from Michael Monaghan to work for Mr. Nutting?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I do not know; I did not see any getting money that day.

Q. Do you know whether they got any from any other man?—A. I do not; only by hearsay, that they got some.

Q. From whom?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I could not tell now who it was, but it was a common report through the town that they got money.

Q. Had you ever a conversation with Michael Monaghan at his house about this election?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. At Mike's house? Michael Monaghan was often talking, but he never said anything about the election.

Q. Did not Michael Monaghan tell you in your house that he had money to give to those who would vote and work for Colonel Nutting, and that you could have part of it if you would work for it?—A. The man never spoke to me about it.

Q. What did Michael say when he gave you this money?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. He said nothing to me, but he said here is the day's wages for you.

Q. The day's wages for what?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. He did not speak of anything.

Q. To work for Nutting?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Mike told me nothing, only he was going to work for him.

Q. How did Monaghan know that you were going to work for Nutting if you did not speak about it?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I told Monaghan that I was going to work for him.

Q. Then Monaghan gave you the money, did he?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. He gave me no money then.

Q. What time did you get it?—A. I can't tell what time in the day it was that I got it.

Q. What time did you vote?—A. I can't tell that neither; between ten o'clock and twelve o'clock; I am not sure; but it was about that time.

Q. Was it before or after you were speaking to Monaghan that you voted?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. After I spoke to him.

Q. Was it after that you voted?—A. I voted before Mike spoke to me at all at the poll.

Q. Tell us if Michael did not come there at nine o'clock—before nine o'clock?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Well, I could not tell you what time it was; it was quite a while before Mike came there.

Q. Did you not swear that Michael came there about nine o'clock?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I do not know.

Q. Did you not swear a couple of minutes ago that Michael Monaghan came there about nine o'clock in the morning of election?—A. I do not believe I said that.

Q. What time in the day did you see Monaghan first?—A. I seen him there some time—about an hour or an hour and a half after the poll was open.

Q. Monaghan?—A. Yes, sir.

Q. Was it not before ten o'clock that you voted?—A. I can't tell what time it was when I voted; it might be nine o'clock or a little more; I can't tell exactly.

Q. Did not you stop at the polls and work all day for the Republican ticket?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I did. I stopped home all day working for that man—for Nutting.

Q. Had you ever met Colonel Nutting yourself?—A. If I would meet the same man out there this morning I would not know him.

Q. Was it to work for Colonel Nutting that you got this ten dollars?—A. I was going to work for him whether I got this money or not, but it was for the day's wages I got it.

Q. Was it to work for Colonel Nutting that this ten dollars was given to you—because you were working for him?—A. The man who gave me the money did not say anything to me about it.

Q. Did you tell him that you would work for him?—A. Of course.

Q. Did you tell him that you were going to work for him?—A. I was going to work for him, too.

Q. Was it on the morning of the election or before the election that you told him this?—A. Who?

Q. Michael Monaghan, who gave you the money?—A. I told Mike before the election, and on election-day, that I was going to work.

Q. Then you had a conversation before election-day with Mike?—A. No; only I just told Mike that I was going to work.

Q. Where were you when you told Mike this?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. In my own house.

Q. Was Mike there?—A. Yes, sir.

Q. What did Mike say about it?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Mike did not say anything.

Q. Did you tell him so at the polls, the morning of the election, that you were going to work for him?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I did.

Q. Had you voted yet when you told him this?—A. No.

Q. Then you did see Mike Monaghan before you voted on the morning of the election?—A. Yes, I believe I did; I am not quite sure, but I think I did.

Q. What time in the day was this that you saw Mike?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I told you the time before.

Q. Was this before you got the ten dollars or at the time you got the ten dollars?—A. Before what time?

Q. Was this the time you saw Monaghan that you got the ten dollars?—A. O, no; it was after that.

Q. Then you saw him twice on election-day?—A. O, yes. I could not tell how many times I saw him.

Q. You were talking with him, were you not?—A. Of course. I saw him there, and we were talking.

Q. About the election?—A. O, about everything.

Q. What time was it? Was it the first or second time that you saw Monaghan that he gave you ten dollars?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. O, I answered that before.

Q. You said before you only saw him once. Was it the first time or the second time that you saw Monaghan that he gave you the ten dollars?—A. O, I was talking to Mike and——

Q. When did you get the money, the first or the second time?—A. It was after I was talking to him many times.

Q. Then you were talking with him many times that morning, were you?—A. In the afternoon some time.

Q. Had you made an agreement with him for the day's wages before you got the money?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I had not.

Q. Then you had the day's work mostly done before you got the money?—A. If there was no money at all I would have done the same work.

Q. Then you had the day's work mostly done before you got the money?—A. Yes, sir; the day was pretty near out when I got the money.

Q. Did not you tell some parties, sitting in this room now, that you voted and worked for Colonel Nutting because you were paid for it?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. There might be here persons that I told I worked for Nutting, but not for money, though. I did not say I voted for money. Mike told the parties that I worked for Nutting.

Q. Did not you tell parties, sitting in this house now, that you had been paid for what you did for Nutting?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I do not think I did.

Q. Did not you tell them that you had got money?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I didn't tell any persons, no more than what I say here now, that I got any money.

Q. Where did you get Colonel Nutting's tickets and pasters that you had?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I believe the tickets was made up there. I did not see any pasters.

Q. Where did you get the tickets you gave out? From whom did you get them?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Well, I got them from different men.

Q. Tell us who the men were.

(Mr. Pomeroy, on behalf of contestant, objected.)

A. O, there was a pile of them. I went in there with Monaghan. I took a pile of them out. I believe it was all——

Q. Did you get any of them from Michael Monaghan? Where was Monaghan?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. He was up town somewhere. There was a pile of tickets there.

Q. Did you get all the tickets you got that day from the pile that was there?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I took them all from that pile, as many as I took out.

Q. How many did you give out?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I could not tell.

Q. Did you give ten out?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I might.

Q. Might you have given more?—A. I might; I could not tell.

Q. Might you have given five out?—A. I could not tell.

Q. Might you have given one?—A. I might; I gave some out; I could not tell how many.

Q. Then to whom did you give any of the tickets?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I could not tell now right who I gave them to; I gave them to a good many.

Q. Tell us some of the parties to whom you gave them if you know them.—A. I could not tell now who I gave them to.

Q. Do you know anything of the parties to whom you gave the tickets?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Well, I did; but there were so many of them at the poll there that I could not tell half of them.

Q. Can you tell any of them?—A. I can.

Q. Then who were they?—A. O, I could not tell now.

Q. Tell whoever you gave them to.—A. I can tell one of them.

Q. Who is it?—A. I gave Dan Sweeney one and Dan Grady; for the rest I could not tell how many. I gave so many tickets out I could not tell.

Q. Can you remember more than two of them?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. No; I cannot remember every one I gave tickets to that day.

Q. Well, as many as you can remember.—A. I gave a good many, but I did not keep it in my mind who they were.

Q. Well, as many as you can remember.—A. Well, that is all I can remember. I gave more than them two out, but I cannot remember right now who I gave them to.

Q. Do you swear here that you can only remember two of the parties to whom you gave tickets during that whole day?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I gave more than two, but then I gave tickets there to fellows that——

Q. I ask you if you can only remember two persons of all that you gave tickets to during that whole day?—A. But I gave them to a good many; but of course I cannot remember who they are.

Q. Do you remember more than two? If you do, mention their names.—A. I did know them, but I cannot make out their names.

Q. Can you only remember two names of all you gave tickets to?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Now, I cannot make out any more of their names, hardly. I can't mention their names, but I know them well; but of course I gave more than two tickets out.

Q. Did you give more than two tickets out?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I did.

Q. How many more?—A. I could not tell.

Q. You told us awhile ago that you gave out a great many.—A. I could not tell how many, but I gave out more than two.

Q. Then it is true that you gave out a great many?—A. I could not remember; I could not tell how many I gave out.

Q. Is it true that you gave out a great many, as you swore a little while ago?—A. I gave out a great many, but I do not know whether they were voted or not.

Q. Is that the poll at which Mike Monaghan votes?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. The same poll.

Q. Was he there working all day, too?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Yes; he was there part of the time.

Q. Was he there all day?—A. I was not there all day myself. I could not tell whether he was there or not.

Q. How late were you there that day, if you were not there all day?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I was there until late. I could not tell what time it was. I gave up before the poll closed.

Q. How long before?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Something, may be half an hour or more; may be half an hour; I do not know.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Pomeroy:

Q. Did you poll your vote before you received this ten dollars?—A. I did, sir.

Q. Before you received this money did Monaghan promise to give it to you?—A. He did not.

Q. This money was paid to you to give out tickets at the poll on that day, was it?—A. I would say that I could not tell that.

Q. Was anything said to you when you received this money what you were to do?—A. No; no more than I told you here a while ago.

Q. You had made up your mind to vote and work for Colonel Nutting before you received this ten dollars, had not you?—A. I did that, and I worked for him, too.

Q. Can you read?—A. No, sir.

Q. Did you get any one to read your ticket before you voted it?—A. I did; O, yes, I did.

Redirect examination by Mr. Nash:

Q. Who read it for you?—A. John Grady did.

Q. That was one of the men to whom you gave the tickets?—A. Yes, sir; that is one of them.

Q. Did you get him to read more tickets than the one you voted?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. We read a pile of tickets that we had.

Q. Then you knew that Colonel Nutting's name was on the ticket?—A. Of course, I heard his name read there.

Q. How did it come that you told Mike Monaghan that you were going to work for Colonel Nutting? How did you know that that interested Mike?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Because I had my mind made up to vote for Nutting.

Q. What brought about the conversation?—A. That I cannot tell no more. I made up my mind to do that on election-day. I told Mike that I was going to work for that man.

Q. How did you come to work for him?—A. I saw him at the poll.

Q. Was it before you voted, then, that you told Mike Monaghan that you were going to vote for and work for Colonel Nutting?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Yes, sir; it was.

Q. You told a while ago that you told Mike Monaghan before the election that you were going to work and vote for Mr. Nutting?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. My mind was made up all the time to vote for him.

Q. You told him before the election-day?—A. I do not know. I do not think I did.

Q. Why did you swear a little while ago that you did; that you had told Mike that you were going to work for Colonel Nutting?—A. Told Mike on election-day?

Q. Yes.—A. Well, I do not know. I did not think I did before the election-day, but I told Mike at the time he came to the poll there that I was going to work for Nutting.

Q. Did you know then what office Nutting was running for?—A. I did; I was told.

Q. What was he running for?—A. I could not tell, of course, what he was running for, but I liked him better than the other man, and of course I was going to fight for him.

Q. How did you come to like Colonel Nutting, when you swore a little while ago that you never knew him?—A. If he would run to-morrow I would vote for him.

Q. How did you come to like Colonel Nutting, when you swore a little while ago that you never knew him?—A. Because I do not like to go for the other man. I do not like to go for Reilly.

Q. Why was it you did not like to go for Reilly?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. Because I had my mind made up to go for the other man.

Q. When did you make up your mind to go for the other man?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I had my mind made up to go for the other man ever since he came out.

Q. For what office?—A. For the office he has; I do not know what you call it.

Q. Do you know when he came out for office?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. I do not know when he came out.

Q. Did not you vote for Colonel Nutting and work for Colonel Nutting because you had been promised ten dollars by Mike Monaghan, and had received it on the day of election?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. No, sir; the man never promised me a cent of money before the election; he never did.

Q. But he paid you ten dollars on the day of election?

(Mr. Pomeroy, on behalf of contestant, objected.)

A. He gave me ten dollars at the poll. I do not know what it was for.

his
PHELIM + McMENAMIN.
mark.

Sworn and subscribed before me this 14th day of March, 1877.

JAMES HUTTON,
Notary Public.

Examination adjourned at 3 o'clock p. m. until 7 o'clock p. m.

WEDNESDAY, *March* 14, 1877.

Evening session. Examination resumed at 7 o'clock p. m. Counsel for respective parties present.

JAMES MORGANS, being duly sworn according to law, doth depose and say, in answer to interrogatories, as follows:

Direct examination by Mr. Hollopeter:

(Mr. Pomeroy, on behalf of contestant, objected to the examination of this witness on account of insufficiency of notice.)

Question. Where do you reside?—Answer. In the third ward.

Q. How long have you lived there?—A. I have been living there about four months, I guess.

Q. That is where you live now?—A. Yes, sir.

Q. Did you vote at the last election in the fall of 1876?—A. I voted at the fouth ward.

Q. Where did you live at that time?—A. In the third ward.

Q. You lived in the third ward in the fall of 1876?—A. Yes, sir.

Q. In the fall of 1876, did you live where you live now—at the same place?—A. I was born in the fourth ward, and moved into the third ward; at Samuel Rush's I was boarding.

Q. When were you boarding there?—A. I lived in the third ward forty-two days before the election of 1876?

Q. And you voted in the fourth ward?—A. Yes, sir.

Q. When you voted in the fourth ward were you living in the third ward?—A. Yes, sir.

Q. Where was the polling-place where you voted—where was the election held?—A. In 1876?

Q. Yes, sir.—A. In the fourth ward, at Samuel Rush's.

Q. And you voted there, did you?—A. Yes, sir.

Q. Tell us when you voted there in the fall of 1876, where you lived, whose house you lived at.—A. I lived with my parents.

Q. Give us the street.—A. Jordan street.

Q. Between what streets?—A. Between Oak and Cherry.

Q. You were born in this country?—A. Yes, sir.

Q. Did you pay a State or county tax within two years prior to the election of 1876?—A. I never paid any in my life yet.

Q. How old are you?—A. I am twenty-three.

Q. When were you twenty-three?—A. I was twenty-three the last day of March, 1876.

Cross-examination on behalf of contestant (reserving all exceptions and objections) by Mr. Pomeroy:

Q. At the time you voted, November 7, 1876, in the fourth ward, you were living in the third ward?—A. I was living in the third ward.

Q. Then you voted in the wrong ward?—A. It seems so.

Q. You never paid a State or county tax; do you know whether any one ever paid the State or county tax for you?—A. Not to my recollection.

Redirect examination by Mr. Hollopeter:

Q. For whom did you vote for Congress at the last November election?—A. I voted the full Republican ticket.

Q. Did you read your ticket before you voted?—A. Well, I looked over it.

Q. Do you remember whose name was on it for Congress?—A. Mr. Nutting.

Recross-examination by Mr. Pomeroy:

Q. Did you see Colonel Nutting's name on it?—A. Yes, sir.

JAMES MORGANS.

Sworn and subscribed before me this 14th day of March, 1877.

JAMES HUTTON,
Notary Public.

Examination adjourned at 7.30 p. m. until Tuesday, March 20, 1877, at 9.30 a. m.

Met in pursuance to adjournment on the 20th till to-day, 23d March, 1877.

OLIVER J. ZERBY.

Question. What ward do you live in?—Answer. I live in the first ward.

Q. Did you vote at election in 1876?—A. I did.

Q. How old are you?—A. Twenty-four last February.

Q. Have you ever paid a State and county tax within two years prior to election?—A. I paid tax.

Q. Was that before the election in 1874?—A. It was.

Q. Was that the last tax you paid or was paid for you?—A. Yes.

Q. For whom did you vote for Congress in 1876?—A. For James L. Nutting.

OLIVER J. ZERBY.

Sworn and subscribed before me this 23d day of March, 1877.

JAS. HUTTON,
Notary Public.

WILLIAM PEPWORTH.

Question. Where do you live?—Answer. In the fourth ward of Shenandoah.

Q. Did you vote there at Presidential election in 1876?—A. I did.

Q. Had you paid a State and county tax within two years prior to election in 1876?—A. I did. (Producing receipt.)

Q. Where were you born?—A. In England.

Q. When were you born?—A. Eighteen hundred and forty-nine.

Q. How old are you now?—A. Twenty-seven years 31st of March.

Q. Were you ever naturalized?—A. Yes, sir. (Producing naturalization-papers.)

Q. When did you come to this country?—A. In the fall of 1868. I was nineteen, or thereabout.

(Two minor papers of William Pepworth, dated 2d of March, 1874, issued out of the court of common pleas of Schuylkill County, to which John Williams is witness, signed by Hyram Moyer, prothonotary, with seal of said court, offered in evidence. The said papers recite that William Pepworth resided three years in the United States, three years next preceding his arriving at the age of twenty-one years, &c.)

Q. For whom did you vote for Congress?—A. I voted the Republican ticket.

Q. Did you vote for Colonel Nutting?—A. I must have voted for him, because he was on the Republican ticket.

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WM. + PEPWORTH.
mark.

Sworn and subscribed to before me this 23d day of March, 1877.

JAS. HUTTON, *Notary Public.*

EDWARD AMOUR.

Question. Mr. Amour, where did you live and vote at election in 1876?—Answer. In third ward of Shenandoah.

Q. Where were you born?—A. In England.

Q. When were you born?—A. In 1851.

Q. When did you come to this country?—A. In the fall of 1869, in the beginning of October.

Q. Were you ever naturalized?—A. I suppose so.

Q. When?—A. In 1872.

(Papers produced. Minor naturalization-papers of Edward Amour, dated December 16, 1872, issued out of criminal court of Schuylkill County, with the seal of said court, and signed by Charles Rhame, clerk of said court, offered in evidence. To this paper Henry Martin is witness.)

Q. For whom did you vote for Congress?—A. For Colonel Nutting.

EDW'D W. AMOUR.

Sworn and subscribed before me this 23d day of March, 1877.

JAS. HUTTON, *Notary Public.*

Subpœna dated March 16, 1877, marked "Exhibit H," offered in evidence, and herewith attached.

Offers a copy of notice served by Col. James L. Nutting on Hon. James B. Reilly, dated December 5, 1876, marked "Exhibit ——," herewith attached.

We now give in evidence the answer of Hon. James B. Reilly, incumbent, served upon James L. Nutting, contestant, dated January 3, 1877, marked "Exhibit K," and herewith attached.

Adjourned now till 7 p. m.

EXHIBIT A.—*James G. Hutton, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 2, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress

entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given before James G. Hutton, esq., notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of H. Neuman, in the borough of Shenandoah, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Tuesday, the sixth day of March, A. D. 1877, at 10 o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken, at said place, or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit: Jonathan Wasley, Frank Williams, James Gunther, William Peter, Robert Roberts, William Jones, William Steen, Israel Eisenhower, Henry Lewis, Jacob Scheuy, Jno. R. Jones, Jno. R. Griffith, Henry Rhoads, Simon Gregory, William Ross, William Ainsworth, John Manchil, Israel Thomas, Jno. S. Griffith, Anthony Devitt, Philip Devitt, Michael Cuff, Peter Monahan, Watkin Waters, Geo. Wilman, Thos. C. Waters, William Jones, David Williams, Thomas Davis, George Knoll, Charles Stephens, Richard Harrell, John Mathew, Henry D. Lewis, Casper Hughes, Alfred Hoskins, Thomas Evans, Isaac Thomas, William Morris, James North, John W. Williams, Reese Evans, William Mattis, David Phillips, Hugh Prichard, John Davis, David Davis, David Hopkins, Isaac V. Thomas, R. H. Morgan, Thos. Griffith, William James, Robert Jones, Thomas S. Roberts, Thomas Reese, Frank Wilman, Evan Bowen, Hiram Beacher, George Beacher, William F. Davis, John B. Davis, Thomas Evans, David Evans, Alex. Jones, Josiah A. Johnson, Thomas James, Isaac Jones, John M. Jones, Daniel Jenkins, Francis Lewis, Daniel S. Owens, William Prichards, William Richards, William Richards, John Roberts, Max Reese, John Reese, John Thomas, John Thomas, Reese J. Thomas, William B. Thomas, John Thomas, Edward Williams, D. J. Williams, J. P. Williams, William Phillips, D. A. Lloyd, W. G. Thomas, Frank Wilson, Michael Monaghan, all of the borough of Shenandoah, in said county; Solomon Hoppes, Abraham Delbire, all of the borough of Mahanoy City, in said county; John G. Davis, John B. Davis, John D. Evans, William Evans, Lloyd C. Evans, G. N. Hughes, John A. Hughes, Daniel Hughes, Jonathan Hughes, John Hughes, Hugh W. Hughes, Jonathan Hughes, Thomas S. Jones, George John, Richard W. Jones, William James. William Jones, Thomas James, Henry Jones, Isaac Jarvis, G. W. Johnson, John Lewis, William Lewis, John Lewis, James Morgan, David Mathias, William Owens, John Protheroe, Reese Powell, Thomas Powell, William Richards, Daniel Richards, D. J. Thomas, Thomas H. Taylor, George T. Taylor, Edward Williams, Edward Williams, John Watson, Benjamin Powell, James J. Powell, Daniel T. Davis, Thomas D. Davis, Edward Doud, John R. Reynon, John Evans, Thomas D. Griffith, Edward Griffith, John Hughes, James Hughes, William T. James, George H. Jones, Henry Jones, George W. Jones, Edward Jones, George Mathias, John Oliver, sr., John Oliver, jr., Daniel Owens, George Oliver, William Pooler, John Parry, Thomas Powell, John Phillips, John Reese, John Roberts, Reese Reese, David R. Reese, John W. Thomas, William Williams, Edward Mason, Anthony Devitt, Philip Devitt, Michael Cuff, Peter Monoghan, all of the borough of Shenan-

doah, in said county; John Baker, B. Sobieski Brady, Jonathan Goetting, George Gesford, Joseph Harlow, John Guise, Mark Jeffrey, Daniel Miller, Samuel Miller, John Nichols, Joseph Richardson, Henry Sweezy George Wentzel, William Wilkenson, Joseph Metz, Richard Andrews, Patrick Joyce, all of west Mahanoy Township, in said county; Thos. McCoy, Frank O'Boyle, Michael Welsh, Frank McKeon, all of the borough of Gilberton, in said county; Benjamin Morell, John Price, all of the borough of Girardsville, in said county.

J. B. REILLY.

To J. L. NUTTING, Esq.

SCHUYLKILL COUNTY, *ss:*

Jacob C. Kline, being duly sworn according to law, deposes and says that he served a copy of the within notice on James L. Nutting, esq., at his residence, in the borough of Pine Grove, in said county and said Congressional district, on Friday, the second day of March, A. D. 1877, at 2 o'clock p. m. of said day.

JACOB C. KLINE.

Sworn and subscribed this 5th day of March, 1877, before me.

C. LITTLE,
Notary Public.

EXHIBIT B.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 6, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "AN act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given before James G. Hutton, esq., notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public-house of H. J. Newman, in the borough of Shenandoah, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Wednesday, March 7, 1877, at two o'clock in the afternoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken, at said place, or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit: Emanuel Eisenhower, of East Mahanoy Township.

JAS. B. REILLY, *Incumbent*,
By JNO. A. NASH,
His Attorney.

SCHUYLKILL COUNTY, *ss:*

John A. Nash, being duly sworn according to law, says that he served a copy of the above notice personally on William R. Smith, esq., attorney for contestant, on Tuesday, March 6, 1877, at 20 minutes past 4

p. m., the said Willian R. Smith being present, before James G. Hutton, notary public, to cross examine witnesses produced by incumbent.

JNO. A. NASH.

Sworn and subscribed before me March 6, 1877.

[SEAL.] JAS. G. HUTTON,
Notary Public.

EXHIBIT G.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 9, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses, whose names are hereinafter given, before James Hutton, esq., notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of H. J. Neuman, in the borough of Shenandoah, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Tuesday, the 13th day of March, A. D. 1877, at ten o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

Richard Amour, Edward Hughes, Joseph Knight, Charles Amour, Richard Knight, John Patterson, Thomas Belles, Abraham Maston, William Owens, Daniel Grady, and Peter Monaghan, all of the borough of Shenandoah, in the county of Schuylkill, Pennsylvania; John Clark, of East Mahanoy Township; Joseph Richards, Alfred Quito, and George Miller, all of the township of West Mahanoy, in said county; John Francis, sr., John Francis, jr., Matthew Francis, Longstaff Middleton, all of the borough of Gilberton, in said county; and Phelim McMenamin, of the borough of Shenandoah, in said county; and James Morgan, of the said borough of Shenandoah.

JAMES B. REILLY,
By his attorney, JNO. A. NASH.

To Col. J. L. NUTTING,
Or his attorney, J. H. POMEROY.

SCHUYLKILL COUNTY, *ss:*

John A. Nash, being duly sworn according to law, doth say that he served a copy of the within notice on Capt. J. H. Pomeroy, attorney, for the purpose of cross-examining witnesses produced by incumbent, on the part of contestant, on Friday, the 9th of March, A. D. 1877, at about 12 o'clock m. of that day.

JNO. A. NASH.

Sworn and subscribed before me March 9, 1877.

[SEAL.] JAMES HUTTON,
Notary Public.

EXHIBIT H.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To John Francis, sr., Morgan, Oliver J. Zerbey, Thomas Pepworth, and Edward Amour:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of H. J. Newman, in the borough of Shenandoah, in said county, on Friday, the 23d day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit, under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 16th day of March, A. D. 1877.

[SEAL.] C. LITTLE,
Notary Public.

SCHUYLKILL COUNTY, *ss:*

Patrick Keefe, being duly sworn according to law, deposes and says that he served William Pepworth, Oliver J. Zerbe, and Edward Amour personally with a copy of the within subpœna and by producing the original thereof.

PATRICK KEEFE.

Sworn and subscribed before me this 23d of March, A. D. 1877.

[SEAL.] JAS. HUTTON,
Notary Public.

EXHIBIT L.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Richard Amour, Edward Hughes, Joseph Knight, Daniel Ellis, Charles Amour, Richard Knight, John Patterson, Thomas Belles, Abraham Barstow, William Owens, John Quito, Peter Monaghan, Phelin McMenamin, of Shenandoah; John Francis, jr., John Francis, sr., Mat. Francis, and Longstaff Middleton, of Gilberton:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of H. J. Neuman, in the borough of Shenandoah, in said county, on Tuesday, the 13th day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of Amer-

ica, for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit, under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 7th day of March, A. D. 1877.

[SEAL.] JAMES HUTTON,
Notary Public.

SHENANDOAH.

Served on the following-named persons by reading to them the contents thereof and leaving copy with them: Ritchard Amour, Charley Amour, Edward Hughes, William Owns, Abrahem Mastow, George Miller, Daniel Grady, Jas. Knight, Daniel Ellis, Ritchard Knight, John Paterson, Thomas Bellews, Alfred Quito, Peter Monahen, Jas. Ritchards.

A. MALEY,
Constable.

Personally appeared before me, a notary public, Austin Maley, constable, being sworn, deposes and says that he served a copy of the within notice, separately and individually, upon the above-named individuals, by reading said summons to them, and informing them of the contents thereof, and leaving with them an attested copy of the same.

[SEAL.] JAS. HUTTON,
Notary Public.

EXHIBIT M.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To James Morgan, Phelin McMenim, Longstaff Littleton, John Francis, jr., John Francis, sr., Matthew Francis:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of H. I. Neuman, in the borough of Shenandoah, in said county, on Schuylkill, the 14th day of March, A. D. 1877, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America, for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit, under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 9th day of March, A. D. 1877.

[SEAL.] JAMES HUTTON,
Notary Public.

SHENANDOAH, *March* 10, 1877.

Served on the within witnesses by leaving copies at their houses, or reading the contents to them.

AUSTIN MALEY,
Constable.

Personally appeared before me, a notary public, Austin Maley, constable, being sworn, deposes and says that he served a copy of the within notice, separately and individually, upon the above-named individuals, by reading said summons to them, and informing them of the contents thereof, and leaving with them an attested copy of the same.

[SEAL.] JAMES HUTTON,
Notary Public.

EXHIBIT N.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Jonathan Wasley, Frank Williams, James Gunther, William Peter, Robert Roberts, William Jones, William Steen, Israel Eisenhower, Henry Lewis, Jacob Schuey, John R. Jones, John R. Griffith, Henry Rhoads, Jonathan Rodgers, Simon Gregory, William Ross, William Ainsworth, John Manchil, Israel Thomas, John S. Griffith, Anthony Devitt, Philip Devitt, Michael Cuff, Peter Monaghan, Solomon Hoppes, Abraham Delbire:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of H. Neuman, in the borough of Shenandoah, in said county, on Tuesday, the 6th day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit, under the penalty of twenty dollars and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 23d day of February, A. D. 1877.

[SEAL.] CHRISTOPHER LITTLE,
Notary Public.

SHENANDOAH, *March* 13.

Served on the within persons by leaving copy in due time and reading the contents of the same, viz: Jonathan Wasley, Joseph Gunther, William Peter, Robert Roberts, William Steen, Israel Eisenhower,

Henry Lewis, Jacob Shoey, John R. Jones, John R. Griffith, Henry Rhoads, Jonathan Rodgers, Simon Gregory, William Lawson, William Ainsworth, Isaac Thomas, John S. Griffith, Anthony Davitt, Philip Davitt, Michael Cuff, Peter Monaghan, Solomon Hoppes, Abraham Dwyre.

A. MALEY,
Constable.

Personally appeared before me, a notary public, this 23d day of March, 1877, Austin Maley, constable, being sworn, deposes and says that he served a copy of the within notice separately and individually upon the above-named persons, by reading the said summons to them, and informing them of the contents thereof, and leaving with them an attested copy of the same.

[SEAL.] JAMES HUTTON,
Notary Public.

EXHIBIT O.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Watkin Waters, Geo. Wilman, Thos. C. Waters, Wm. Jones, David Williams, Thomas Davis, George Knoll, Charles Stephens, Richard Harrell, Jonathan Rodgers, John Mathew, Henry D. Lewis, Casper Hughes, Alfred Hoskins, Thos. Evans, Isaac Thomas, John R. Jones, William Morris, James North, John W. Williams, Reese Evans, William Mattis, David Phillips, Hugh Prichard, John Davis, David Davis, David Hopkins, Isaac V. Thomas, R. H. Morgan, Thomas Griffith, William James, Robert Jones, Thomas S. Roberts, Thomas Reese, Robert Roberts, Frank Wilman, Bowen Evan, Hiram Beacher, George Beacher, William F. Davis, John B. Davis, Thomas Evans:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of H. Neuman, in the borough of Shenandoah, in said county, on Wednesday, the 7th day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America, for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit, under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 23d day of February, A. D. 1877.

[SEAL.] CHRISTOPHER LITTLE,
A Notary Public of Pennsylvania,
residing at Pottsville, Schuylkill County.

SHENANDOAH, *March* 1, 1877.

Served on the within witnesses by leaving copy at the witnesses' houses in due time: Watkins Waters, George Wilman, Thomas C. Wa-

ters, William Jones, Thomas Davis, George Knoll, Charley Stevens, Richard Harrell, Thomas Evans, John Williams, Reese Evans, William Mattis, David Hopkins, David Phillips, Hugh Pritchard, John Davis, David P. Davis, Thomas Griffith, William M. James, Robert Jones, Thomas S. Roberts, Robert Roberts, Frank Willman, Evan Bowen, William F. Davis, John B. Davis, Thomas Evans.

A. MALEY,
Constable.

Personally appeared before me, a notary public, Austin Maley, constable, being sworn, deposes and says, that he served a copy of the within notice, separately and individually, upon the above-named individuals, by reading the said summons to them, and informing them of the contents thereof, and leaving with them an attested copy of the same.

[SEAL.] JAMES HUTTON,
Notary Public.

EXHIBIT P.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Thomas Powell, John Phillips, John Reese, John Roberts, Reese Reese, David R. Reese, John W. Thomas, William Williams, John G. Davis, John B. Davis, John D. Evans, William Evans, Lloyd C. Evans, G. N. Hughes, John A. Hughes, Daniel Hughes, Jonathan Hughes, John Hughes, Hugh W. Hughes, Jonathan Hughes, Thomas S. Jones, George John, Richard W. Jones, William James, William Jones, Thomas James, Henry Jones, Isaac Jarvis, G. W. Johnson, John Lewis, William Lewis, John Lewis, James Morgan, David Mathias, William Owens, John Protheroe, Reese Powell, Thomas Powell, William Richards, D. J. Thomas, Thomas H. Taylor, George T. Taylor, Edward Williams, Edward Williams, John Watson, Benjamin Powell, James J. Powell, Daniel Richards:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of H. Neuman, in the borough of Shenandoah, in said county, on Friday, the 9th and 10th days of March, A. D. 1877, at nine o'clock in the forenoon of said days, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1874, 1875, and 1876, and your naturalization-paper by virtue of which you claimed citizenship and the right to vote at the general election last November; and this you are in no case to omit, under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 23d day of February, A. D. 1877.

[SEAL.] CHRISTOPHER LITTLE,
A Notary Public of Pennsylvania,
residing at Pottsville, Schuylkill County.

Served subpœnas on the following persons in due time by reading the contents and leaving copies:

Thomas Powell, John Phillips, Reese Reese, Daniel R. Reese, John W. Thomas, William Williams, John G. Davis, John D. Evans, William Evans, J. W. Hughes, J. A. Hughes, Daniel Hughes, Jonathan Hughes, John Hughes, William James, William Jones, Thomas James, Henry Jones, G. W. Johnson, William Lewis, John Lewis, James Morgan, David Mathias, William Owens, John Protheroe, Reese Powell, J. H. Taylor, G. T. Taylor, Edward Williams, John Watson, Benjamin Powell, J. J. Powell, Edward Mason, John Hughes.

A. MALEY,
Constable.

Personally appeared before me, a notary public, Austin Maley, constable, being sworn, deposes and says that he served a copy of the within notice, separately and individually, upon the above-named individuals, by reading the same to them, and informing them of the contents thereof, and leaving a copy of the same with them.

[SEAL.] JAMES HUTTON,
Notary Public.

EXHIBIT Q.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Benjamin Morell, John Price, Frank McKeown, Frank O'Boyle, Michael Welsh, Thomas McCoy, Samuel Miller, John Baker, Henry Sweezy, George Gesford, Joseph Harlow, Jonathan Goetting, William Wilkinson, John Gise, Joseph Metz, Patrick Joyce, Joseph Richards, George Wentzel, Sobieski Brady, Mark Jeffrey, Michael Monaghan, William Owens:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of H. Neuman, in the borough of Pottsville, in said county, on Thursday, the 8th day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit under the penalty of twenty dollars and of punishment by fine and imprisonment according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this twenty-third day of February, A. D. 1877.

[SEAL.] CHRISTOPHER LITTLE,
Notary Public, &c.

Served subpœnas on the following-named parties in due time, by reading the contents and leaving copy: Benj. Morrill, John Price, Frank McKeown, Frank O'Boyle, Michl. Walsh, Thos. McCoy, Saml.

Miller, John Baker, Henry Sweezy, Geo. Guesford, Joseph Harlow, Jonathan Goeting, Wm. Wilkinson, John Gise, Joseph Metz, Patrick Joice, Joseph Richards, Geo. Wentzel, Sobieski Brady, Mark Jeffrey, Michl. Monaghan, Wm. Owens.

A. MALEY,
Constable.

Personally appeared before me, a notary public, Austin Maley, constable, being sworn, deposes and says that he served a copy of the within notice upon the above-named individuals separately and individually, by reading the same to them and informing them of the contents thereof, and leaving an attested copy of the same with them.

[SEAL.] JAMES HUTTON,
Notary Public.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Michael Monaghan:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of H. J. Newman, in the borough of Shenandoah, in said county, on Wednesday, the 14th day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years , and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 9th day of March, A. D. 1877.

[SEAL.] JAMES HUTTON,
Notary Public.

SHENANDOAH, *March* 9, 1877.

Served on the defendant personally, with the original summons, informing him of the contents thereof, to answer.

G. W. ROSE, *Constable.*

Sworn to this 13th day of March.

[SEAL.] JAS. HUTTON,
Notary Public.

EXHIBIT R.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To David Evans, Alexander Jones, Josiah A. Johnson, Thomas James, Isaac Jones, John M. Jones, Daniel Jenkins, Francis Lewis, Daniel S. Owens, William Prichard, William Richards, William Richards, John Roberts, Max. Reese, John Reese, John Thomas, John G. Thomas,

Reese J. Thomas, William B. Thomas, John Thomas, Edward Williams, D. J. Williams, J. P. Williams, William Phillips, D. A. Lloyd, M. G. Thomas, Frank Wilson, Daniel T. Davis, Thomas D. Davis, Edward Dowd, John R. Beynon, John Evans, Thomas D. Griffith, Edward Griffith, John Hughes, James Hughes, William T. James, George H. Jones, Henry Jones, George W. Jones, Edward Jones, George Mathias, John Oliver, John Oliver, Daniel Owens, George Oliver, William Pooler, John Parry :

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of H. Neuman, in the borough of Shenandoah, in said county, on Thursday and Friday, the 8th and 9th day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said incumbent; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax receipts for the years 1874, 1875, and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal, this 23d day of February, A. D. 1877.

[SEAL.] CHRISTOPHER LITTLE,
Notary Public.

Served subpœnas on the following persons in due time, by reading the contents and leaving copy :

Thomas James, Isaac Jones, Daniel Jenkins, Francis Lewis, Danl. S. Owens, William Pritchard, William Richards, William Richards, John Reese, John Thomas, Reese J. Thomas, Wm. B. Thomas, John Thomas, Edward Williams, D. J. Williams, Wm. Phillips, D. A. Lloyd, Danl. T. Davis, Thomas D. Davis, John Evans, Thos. D. Griffith, Edwd. Griffith, John Hughes, Wm. T. James, Geo. H. Jones, Geo. W. Jones, Geo. Mathias, Geo. Olliver, Danl. Owens.

A. MALEY,
Constable.

Personally appeared before me, a notary public, Austin Maley, constable, being sworn, deposes and says that he served a copy of the within notice, separately and individually, by reading the same to them and informing them of the contents thereof, and leaving an attested copy of the same with them.

[SEAL.] JAMES HUTTON,
Notary Public.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss :

I, James G. Hutton, a notary public duly commissioned by the governor of the commonwealth of Pennsylvania under the laws thereof, in and for the county of Schuylkill, and residing in the thirteenth Congressional district of Pennsylvania, before whom the foregoing evidence was taken,

do hereby certify that the foregoing testimony is the testimony of the several witnesses produced and examined on the part of the incumbent on the several days the examination bears date; that I caused the same, together with questions proposed by the parties, or their agents, to be written in my presence, and in the presence of the agents of the parties, and to be duly attested by the witnesses respectively before me, and that the several exhibits hereinbefore referred to and lettered were severally offered in evidence and are hereto attached.

Witness my hand and official seal at Shenandoah, in the county and State aforesaid, this 16th day of April, A. D. 1877.

[SEAL.] JAS. G. HUTTON,
Notary Public.

No. 7.

In the matter of the contested election in the thirteenth Congressional district of Pennsylvania for a seat to represent said district in the House of Representatives of the United States in the Forty-fifth Congress.

Depositions of witnesses taken before Hiram K. Weston, a notary public in and for the county of Schuylkill and State of Pennsylvania, residing in the said thirteenth Congressional district of Pennsylvania, at the public house of Samuel Garrett, in the borough of Pottsville, in the said county of Schuylkill, on the part of James L. Nutting, contestant, on the 27th day of March, A. D. 1877.

The said Hiram K. Weston appoints Benjamin F. Crawshaw, a resident of said thirteenth Congressional district, as clerk to write or transcribe the testimony in the above matter.

Parties present: William R. Smith and Edward M. Monaghan, esquires, of counsel for contestant, and Hon. James B. Reilly, incumbent, and his counsel, Anthony Campbell, esquire.

William R. Smith, esq., contestant's counsel, offers copies of two notices dated March 20, 1877, and marked respectively "Exhibits A A A A" and "B B B B," being notices of the examination served upon incumbent, containing the names of the witnesses to be examined at this time and place.

HUGH MARTIN sworn.

Question. What is your name, and where do you live?—Answer. Hugh Martin is my name. I have lived in the borough of Palo Alto, where I now live, twenty-three years the latter part of next April.

Q. Did you vote at the last November election?—A. Yes, sir.

Q. Had you paid a State or county tax within two years preceding the last November election—November 7, 1876?

(Objected to by incumbent as to the purpose of the question.)

A. Yes, sir.

Q. You are the collector of county and State taxes for the borough?—A. Yes, sir.

(Incumbent requests counsel for contestant to state the object and purpose of the examination of this witness.

Contestant's counsel replies that the object is to prove by him that some voters in the borough of Palo Alto who voted there at the last (November) election for the incumbent had not paid a State or county tax within two years before the last said election.

Incumbent requests the counsel for contestant to state that portion of the testimony taken by incumbent to which it is claimed the examination proposed is rebuttal.

Contestant's counsel replies that he has not in his possession the testimony taken by the incumbent, and can not, therefore, recall it particularly.

Incumbent asks whether it is claimed that the proposed examination is in rebuttal of any portion of the testimony taken by incumbent.

Counsel for contestant replies that the testimony proposed to be taken is such testimony as the act of Congress contemplates should be taken during the last ten days of the examination of contestant's witnesses.

Objected by incumbent to the examination proposed: 1st. Contestant has had the period of "forty days" and also the incumbent the same period, during which time both examined witnesses, and the act of Congress provides that the remaining ten days allowed to contestant is confined exclusively to the taking of testimony in rebuttal of any testimony taken by incumbent during his forty days, and that the counsel for contestant declining to state that the proposed examination is such rebuttal testimony, it is not evidence, and in violation of the act of Congress. 2d. The evidence proposes not rebuttal testimony, as incumbent examined no witnesses or persons who voted in the election district of the borough of Palo Alto. 3d. It is not competent for the purpose stated by counsel, as during the remaining ten days of time allowed for taking testimony under the act of Congress, contestant can only take evidence as to the qualifications of persons whom incumbent proved voted for contestant.)

Q. Did anybody pay you any State or county tax last fall on behalf of the Democratic county standing committee?—A. Yes, sir; James O'Connor paid me.

Q. How much did he pay you?—A. That I cannot tell.

Q. He was a member of the Democratic county standing committee?—A. He was a member of the executive committee.

Q. Turn to your duplicate and tell us whose taxes he paid.—A. That I can't tell you. He had given me a slip of the names. They are: Patrick Connolly, Patrick Hinnegan, William Schraeder, John Lynch, James Schertle, Michael Clark, Charles Bresland.

Q. When did he pay you those taxes?—A. Can't tell you; don't recollect it. Don't know how long before the election.

Q. Can't you tell from your book?—A. I cannot when they paid. I marked it paid.

Q. How did he come to pay you those taxes?—A. He gave me the money to pay these mens' taxes. I gave him the receipts.

Q. Do you know why you did not collect those taxes from the parties themselves?—A. I did not ask those parties whose taxes he paid to me.

Q. Did you ask those parties for the taxes since?—A. No, sir.

Q. Were the receipts dated on the day you got the money for them?—A. The receipts were dated on the day they were paid.

(Incumbent declines to cross-examine this witness for the reasons stated in his objections.)

HUGH MARTIN.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

DENNIS GILLESPIE sworn.

Question. You live in the borough of Palo Alto?—Answer. Yes, sir.

Q. Did you vote at the last election?

(Incumbent requests counsel for contestant to state the object and purpose of the examination of this witness.

Contestant replies: To prove that he is an illegal voter, and voted for the incumbent.

Objected to; that the proposed examination is illegal and incompetent, and not in rebuttal of any evidence taken by incumbent.)

A. Yes, sir. In the borough of Palo Alto.

Q. Had you paid a State or county tax within two years before the last election?—A. No, sir; I never voted before.

Q. How old are you?—A. Between 25 and 26.

Q. You say you never paid any State or county tax before?—A. No, sir. I never did pay any before. I paid them as soon as I was asked, though.

Q. For whom did you vote for Congress at the last November election (November 7, 1876)?

(Objected to as an improper and illegal inquiry at this time, and because it has not been shown that witness is an illegal voter.)

A. I don't know. I didn't look at the ticket. I took it as it was handed to me and put it in. I couldn't swear what names were on the ticket.

Incumbent declines to cross-examine this witness for the reasons stated in the objections.)

DENNIS GILLESPIE.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL SCANLAN sworn.

Question. You live in the borough of Saint Clair?—Answer. Yes, sir; in the north ward.

Q. Did you vote at the last election, (November 7, 1876)?—A. Yes, sir.

Q. Had you paid a State or county tax within two years preceding the last election (November 7, 1876)?

(Incumbent request counsel to state object, the same as above, in the foregoing witnesses.

Contestant's counsel states the object to be for the same purpose as in the preceding witnesses.)

Incumbent renews same objection as made to former witnesses, which, by agreement, are to have the same effect as if stated here at length.)

A. Yes, sir; I have them here—the documents for that.

Q. Which tax-receipt did you have at the election when you voted?

(Objected to as immaterial and irrelevant.)

A. The one dated July 8, 1876, for the county and school taxes of 1875.

Q. Tell us when you got that receipt.—A. I got this receipt on the day of its date.

Q. Did you get it from Mrs. Leary?—A. I got it from Mrs. Jeremiah Leary.

Q. Jere Leary was the tax-collector?—A. Yes, sir.

Q. When did you pay the taxes for 1874?—A. On the 10th of December, 1874, I think it was.

Q. Did you pay these taxes for 1874 yourself?—A. Yes, sir; I paid them myself.

(Witness shows tax-receipt for county tax for 1874, dated December 10, 1874. Amount $0.75. Signed Martin Duffy, collector; also, receipt

dated July 8, 1876, for county and school taxes for 1875, $2.10. Signed Jeremiah Leary, collector.)

MICHAEL SCANLAN.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES O'CONNOR sworn.

Question. Where do you reside?—Answer. Palo Alto.

Q. Were you a member of the Democratic county committee?

(Incumbent renews request as in case of former witnesses.

Contestant's counsel replies: For the same object as in the former witnesses.

Incumbent objects, as stated in the foregoing cases, and under agreement as above stated.)

A. I was.

Q. When did you pay the taxes for Patrick Connolly, James Sherrle, Patrick Hinnegan, Michael Clark, William Schraeder, Charles Bresland, and John Lynch?

(Objected to, as not coming in the offer of contestant's counsel, which was to prove the illegality of the vote of this witness.)

A. On or about the 2d of October, 1876; would not be positive whether it was the 1st, 2d, 3d, or 4th. I paid some seven, eight, or nine more, on the same date.

Q. Why did you pay these taxes?

(Objected to as immaterial.)

A. Because the men were not able to pay them themselves.

Q. At whose request did you pay them?—A. At my own.

Q. With your own money?

(Objected to as immaterial and irrelevant.)

A. With my own money at that time.

Q. At what time was it not your own money?

(Objected to as immaterial.)

A. At all times it was my own money.

Q. Have you been reimbursed that money?

(Objected to as immaterial.)

A. Part of it.

Q. How much had you paid?

(Objected to as immaterial.)

A. About $22.60.

Q. How much were you paid back?

(Objected to as immaterial.)

A. I am not sure whether I received $21 or $22.

Q. From whom did you get it?

(Objected to as immaterial.)

A. I got it from the "Safe Deposit Bank."

Q. When?

(Objected to as above.)

A. I think it was either the 5th or 6th of October.

Q. Give us the names, as many as you can, in addition to those already given.

(Objected to as immaterial.)

A. I couldn't think of any, possibly, without seeing the list. I did not make out the list.

Q. Did you pay all the parties' taxes in the borough of Palo Alto who were too poor to pay their taxes?

(Objected to as immaterial and irrelevant.)

A. Only as many as came within my knowledge.

Q. Did you make any difference whether they were Republicans or Democrats?

(Objected to as above.)

A. If I knew they were Republicans, I would not pay their taxes.

Q. Did you draw that money out of the "Safe Deposit Bank" on a check?

(Objected to.)

A. I did.

Q. On whose check?

(Objected to.)

A. A. W. Schalck, who was chairman of the Democratic standing committee.

Q. At the time you paid these taxes, you looked up the voters in the Democratic party, and to see that the taxes were paid for those who could not pay themselves?

(Objected to as before.)

A. I did, to the best of my ability.

(Incumbent declines to cross-examine.)

JAMES O'CONNOR.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 2 o'clock p. m.

2 P. M.

DENNIS O'BRIEN sworn.

Question. Where do you live?—Answer. At Saint Clair, in the north ward.

(Objected to examination of this witness, for the reason that the incumbent has received no notice of the examination of this witness at this time and place.

Contestant replies that the witness is called under the notice given of examination of Dennis Bryan.)

Q. Did you vote at the last election?

(Objected; request to state the object of the examination, and what it is to rebut.

Contestant's counsel states the object to prove that the witness is not a legal voter, and that he voted for the incumbent.

Incumbent renews objection, as in the foregoing cases, with the same effect, under the agreement above stated.)

A. Yes, sir.

Q. Had you paid a State or county tax within two years before the last election, November 7, 1876?

(Objected to as immaterial and incompetent.)

A. I paid them in 1875.

Q. Who did you pay taxes to in 1875?

(Objected to as above.)

A. Jere Leary.

Q. When did you pay them in 1875?

(Objected to.)

A. December 24, 1875, as shown by my receipt (which witness now produces, dated December 24, 1875, for county tax for 1875, amount $0.75; J. Leary, collector):

"SAINT CLAIR, *December* 24, 1875.

"Received of Dennis O'Brien —— dollars, for the following taxes for the year 1875: County, $0.75.

"J. LEARY, *Collector.*"

Q. Who gave you this receipt?—A. Jere Leary gave me this receipt.
Q. When and where did he give it to you?
(Objected to as above.)
A. He gave it to me on that date in Saint Clair, on the street, and I paid $0.75 for it.
Q. Do you know of another Dennis O'Brian in Saint Clair?
(Objected to.)
A. No, sir.
Q. Do you know Michael Scanlan, who was here this morning?
(Objected to as above.)
A. Yes, sir. I know of no other Michael Scanlan in the borough of Saint Clair. There might be, for all I know.
(Incumbent declines to cross-examine, for reasons stated in the objections.)

DENIS O'BRIAN.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL COSTELLO sworn.

Question. Where do you live?—Answer. In Palo Alto.
Q. Did you vote at the last election, November 7, 1876?
(Objected to as above.)
A. I did, in that borough.
Q. Had you paid a State or county tax within two years preceding the election?
(Objected to as above.)
A. I had.
Q. When did you pay it?—A. I paid it before the election last fall.
Q. When did you pay the tax of 1874?
(Objected to as above.)
A. I paid them right along every year for the last twenty years. I paid my taxes for 1875 to Patrick Collins. I paid it in March, 1876.
(Incumbent declines to cross-examine, for reasons stated in the objections.)

his
MICHAEL + COSTELLO.
mark.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN RUDDY sworn.

Question. Where do you live?
(Incumbent asks contestant to state the object, as in preceding cases. Counsel for contestant states the object to be to prove the witness an illegal voter, and that he voted for the incumbent.
Incumbent renews objections, as made in the former cases, with the same effect as if stated in full, under the above agreement.)
Answer. In Palo Alto.

Q. Did you vote at the last November election?—A. Yes, sir.

Q. Had you paid a State or county tax within two years before the election?—A. Yes, sir.

Q. Have you your tax-receipts here?—A. Yes, sir.

(Witness produces receipt dated January 19, 1875, for the following taxes for 1874: County, $0.75; borough, $1.05; school, $1.05. Signed Thos. Walker, collector.)

Q. You have paid no other taxes within two years previous to the last November election?

(Objected to as immaterial.)

A. I have not.

Q. Have you lived continuously in the borough of Palo Alto since you paid the tax?

(Objected to as above.)

A. Yes, sir; I have lived there for twenty years. I am sure I lived there all of the year 1876.

(Incumbent declines to cross-examine, for reasons stated in previous objections.)

JOHN RUDDY.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

ANTHONY LALLY sworn.

Question. You are tax-collector of the borough of Ashland?

(Incumbent asks to have the object stated in the examination of this witness as before.

Contestant's counsel replies that he issued tax-receipts for parties who had not paid their taxes, upon which receipts the persons for whom they were issued voted for the incumbent.

Objected to by incumbent as not being rebuttal evidence to anything proved by incumbent; also, it is incompetent, irrelevant, and immaterial.)

A. I am, and have been county and State tax-collector for eight or nine years.

Q. Did anybody, on behalf of the Democratic county committee, pay you any money last fall?—A. Not a cent.

Q. Did you or not issue tax-receipts in the name of citizens of Ashland on or about the 1st of October, 1876, for which such parties did not pay you the money?

(Objected to as before.)

A. I did, sir.

Q. How many such tax-receipts did you issue?—A. I don't know how many. Thomas McGrath, Pat Dougherty, Frank Grady—that's all that I can think of. This money I paid myself, understand; I advanced that money in.

Q. When you say you "advanced the money," you mean you issued the tax-receipt to them, and when you settled with the county—your duplicate—you settled these taxes the same as you did all other taxes?—A. I say that when I issued that tax-receipt I considered the money then and there paid, when I advanced it.

Q. You advanced, *i. e.*, handed them no money?

(Objected to as immaterial and leading, and cross-examination of his own witness.)

A. I did not hand them any money.

Q. You simply issued a receipt to them and marked it "paid" on the book?—A. Yes, sir.

Q. Tell us as near as you can when these receipts were issued.—A. About the 2d of October, 1876.

Q. Why did you relieve these parties of their taxes in that way? What was the motive; was it to give them the right to vote?

(Objected to as immaterial and irrelevant.)

A. One was blind; one has but one leg; the other was laid up for eighteen months or more. The other reason was that they should not be deprived from voting at the November election.

Q. If these taxes had not been fixed they could not have voted legally?

(Objected to, as usual.)

A. They might have voted legally; I don't know.

Q. They had not paid you any State or county tax within two years before that election?—A. That I can't exactly say.

Q. Were these three parties Democrats or Republicans?—A. O, of course they were Democrats.

Q. Do you know of any money having been paid to parties in the borough of Ashland or in Butler Township to secure their influence and services for the election of the Democratic ticket last fall, or any part of the Democratic ticket?

(Objected to: 1st, as illegal and in gross violation of act of Congress, in that it is not a rebuttal of any evidence adduced by incumbent; 2d, it is immaterial, irrelevant, unless it is proposed to prove that any such money was corruptly used to influence voters, or expended in violation of any law of the United States or of the State of Pennsylvania, and witness need not, therefore, answer.)

A. I decline to answer that question.

Q. Why do you decline to answer the question?—A. Because anything that will tend to criminate me I have no right to answer.

Q. Then that is the reason why you decline to answer?—A. The law gives me that right, and that's the reason.

Q. You hold that, under the laws, you are not bound to answer a question, if the answer would criminate you; and, therefore, you decline to answer?—A. The law gives me that right not to answer, and that's the reason I don't answer.

Cross-examined by incumbent, reserving all exceptions to the competency and relevancy of the foregoing testimony:

Q. Mr. Lally, do you know of the use of any money in the borough of Ashland or the other districts named to corruptly or illegally influence the vote of any citizen in favor of the candidates or any candidate upon the Democratic ticket?

(Counsel for contestant calls attention to the fact that this is the identical question that witness declines to answer when put by counsel for the contestant.

Incumbent replies that record shows what questions have been asked, and that the question now proposed is not the identical question proposed by counsel for contestant.)

A. No, sir; I don't know of any money being used to corruptly influence the election for any candidate on the Democratic ticket, or for any illegitimate or corrupt purposes for any candidate on the Democratic ticket.

Q. Do you know of the use or payment of money in any district or to any individual, in consideration of which there was promised or to be

an increased vote, or votes illegally procured for any candidate on the Democratic ticket?—A. No, sir.

Q. Have you any knowledge of the payment of any money to any person during the last fall campaign in the interest of candidates on the Democratic ticket who was not recognized or known as a Democrat, and who had not been in favor of and supporting the candidates on the Democratic ticket?—A. No, sir.

Q. Do you know of the payment of any money for legitimate or illegitimate purposes at the last fall election by me (meaning incumbent)?—A. No, sir; not a cent, to my knowledge.

Q. Do you know or were you concerned in the use of any money during the last election that would render you liable to any criminal prosecution, or that was intended to be in violation of any law?—A. I think not, sir.

Q. How long have you lived in Ashland?—A. I think twenty or twenty-one years, perhaps more.

Q. You have stated that you have been intrusted with the collection for the borough of Ashland for the last eight or nine years?—A. Yes, sir.

Q. Will you state whether you have held offices of trust, elected by the people?—A. Yes, sir; I have.

Re examined:

Q. You have always been prominent in the Democratic party of Ashland?—A. I have been a working member these eight or nine years.

Q. And during these eight or nine years a majority of the commissioners of Schuylkill County who appointed you as collector for these times were a majority of them Democrats?—A. Yes, sir.

Q. If your answers to the questions put by the incumbent here are true, why did you refuse to answer the questions put by me (counsel for contestant) on the ground that it would criminate you?—A. I have, I think, answered that question twice. Because the law gives me that right to refuse.

Q. If you know of no money paid to any one for any purposes, or illegal purposes, or corrupt purposes, on what ground do you refuse to tell of what you know of money being paid?

(Objected to by incumbent, that unless he has knowledge of and unless it is proposed to prove the use of money for such purposes, it is incompetent and immaterial, and the witness therefore need not answer.)

A. My answer is—now, I think, it's the fourth time to almost the same question, I think—that the law gives me that right, that I need not answer, Mr. Smith.

Q. Do you mean to answer that the law protects you from answering questions put by the contestant's counsel in this case as to your knowledge of moneys having been paid to parties for influencing voters, whether your answers will criminate you or not?

(Objected to, 1st, this examination, being in contravention of the plain provisions of the act of Congress, is illegal, and counsel for contestant has no legal right to propound the question, and therefore the witness need not answer; 2d, the witness has not refused to answer any question relating to the use of money for the purpose of influencing voters, as stated in counsel's question; on the contrary, has freely and fully answered that he has no knowledge on that subject.)

A. My answer to Mr. Smith's question is the same as before.

Q. Did you pay any money to Michael Lenahan prior to the last November election?

(Objected to as immaterial and irrelevant.)

A. I decline to answer.

Q. Do you know of anybody else having paid any money for election purposes to Michael Lenahan within a month or two of the last November election?

(Objected to as immaterial and irrelevant.)

A. I decline to answer.

Q. Why do you decline to answer?—A. Because the law gives me that right, that I am not compelled to answer.

Q. Did you pay any money to anybody in the borough of Ashland or in Butler Township for the purposes of last November election?—A. I decline to answer.

ANTHONY LALLY.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN GLAVEY sworn.

Question. You live in the borough of Saint Clair?—Answer. Yes, sir; in the north ward.

Q. Did you vote at the last November election?—A. Yes, sir.

(Incumbent requests counsel to state the object of this examination. Contestant replies: To prove that he was an illegal voter and voted for the incumbent.

Incumbent objects for the same reasons as stated heretofore, and with like effect as if same were here stated fully, under above agreement.)

Q. Had you paid a State or county tax within two years of the last November election?—A. Yes, I have. (Produces tax-receipt dated January 3, 1876, signed J. Learey, collector, for following taxes of 1875: County tax, $0.75; school, $1.35; total, $2.10.)

Q. Is this the only tax you paid within two years of the election?—A. This is the only tax I ever paid.

Q. How old are you?—A. About twenty-five years of age.

Q. Did you pay Mr. Learey the money for this, and did he give you the receipt for it himself?—A. I paid him the money, but he did not give me the receipt. My mother went down to pay her property-tax, and he gave her the receipt for me. I paid him in about two or three days afterward, I guess.

Q. How long have you lived in the ward in which you voted?—A. About nine or ten years.

Q. Do you know of another John Glavey in your ward, or in the borough of Saint Clair?—A. No, sir.

(Incumbent declines to cross-examine, for reasons before stated.)

JOHN GLAVEY.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK TRAY sworn.

Question. Do you live in the borough of Palo Alto?—Answer. Yes, sir.

(Incumbent requests the object to be stated for examination of this witness.

Contestant replies: To show that he was an illegal voter, and that he voted for the incumbent.

Objected to as irrelevant and immaterial.)

Q. Did you vote at the last November election?—A. Yes, sir.

Q. Have you paid a State or county tax within two years before the last November election?—A. Yes, sir. (Witness produces receipt, dated January 18, 1876, for taxes of 1875, as follows: County tax, $0.75; school, $1.05; total, $1.80. Signed Patrick Collins, collector, per P. Dorsey.)

Q. When did you pay this tax?

(Objected to. Receipt is best evidence.)

A. I did not pay this tax; my wife paid it; I can't tell when she paid it.

Q. Is this the only tax you paid?—A. This is the only tax I paid in Palo Alto, and the only tax I paid within two years.

Q. How long have you lived in Palo Alto?—A. In the neighborhood of four years.

(Incumbent declines to cross-examine for reasons before stated.)

his
PATRICK + TRAY.
mark.

Sworn and subscribed to before me this 27th day of March, A. D. 1877:

H. K. WESTON,
Notary Public.

JOHN HANNEY sworn.

Question. Where do you live?—Answer. In Norwegian Township.

Q. You are the collector of county and State taxes for that township?—A. Yes, sir.

(Incumbent requests to have stated the object in having witness examined.

Contestant's counsel replies, to show that he issued tax-receipts, and that the parties to whom issued did not pay for them.

Objected to for the same reasons stated in the examination of the first witness, and which it is agreed is to have the same effect as if stated here at length.)

Q. Did you issue any tax-receipts last fall to parties who had not paid for them?—A. I did.

Q. Who did you issue them to?—A. That I cannot tell. I kept no record of them; marked them paid in the book.

Q. Give us the names as near as you can.—A. I told you I kept no names, and would not like to swear who they were. There were some very poor men, and some men that worked for me. I gave them tax-receipts in part payment for the work done. Some that I bought produce from, some hay, that I gave tax-receipts to.

Q. Give us the names of those to whom you gave receipts and for which you received nothing.—A. Bernard Conlon, Mathias Murray, Patrick Broderick. That is all I can remember now.

Q. When did you give them these receipts?—A. It was over thirty days before the election. I paid this money myself to the county.

Q. Tell us about how many receipts you issued to parties whom you had dealings with?—A. About seven or eight persons.

Q. Have you a store?—A. No, sir.

Q. What dealings, then, did they have?—A. They worked around my house, cut hay for me, and one made me a pair of boots.

Q. Tell us whether the Democratic county committee, or any one for them, paid you these taxes.—A. No, sir; not one cent.

Q. These parties that you gave these receipts to, were they Demo-

crats or Republicans?—A. Some were Democrats and some Republicans.

Q. Who were the Republicans?—A. One man named William Rodgers.

Q. You gave him a receipt without receiving any pay for it?—A. Yes, sir; and that's the Republican in that way that I can now think of. The other three that I have named, so far as I know, are Democrats.

Q. The reason you gave these parties tax-receipts was to entitle them to vote?

(Objected to as leading.)

A. Partly for that, and partly because they were poor.

Q. You have been the tax-collector for the last three years or more, and these parties had not paid you in 1875?—A. That I don't know, as to whether the parties paid in 1875.

Q. How long have you known these parties that you have named here?

(Objected to as immaterial.)

A. A good many years.

Q. If you returned them as not having paid their taxes for 1874 or 1875, then they had not?—A. Then they had not. I am particular about my returns.

(Incumbent declines to cross-examine for reasons as before stated.)

JOHN HANNEY.

Sworn and subscribed to before me this 27th day of March, A. D, 1877.

H. K. WESTON,
Notary Public.

WILLIAM STERNER sworn.

Question. Where do you live?—Answer. In North Manheim Township.

Q. You are the tax-collector there?—A. I was collector for State and county tax for 1876.

(Incumbent asks to have stated the object in having this witness examined.

Contestant's counsel replies, to show that receipts were issued to parties who had not paid for them.

Incumbent objects for the same reasons as before stated, and to have the same force as if stated at length.)

Q. Did you issue any tax-receipts to parties who did not themselves pay you, for State or county taxes?—A. I did.

Q. About what time were these tax-receipts issued?—A. October 7, 1876.

Q. About how many did you issue?—A. About twelve, I guess, or something like that.

Q. Who brought you the money for these twelve?—A. George Heffner paid me part—paid me for two; and Patsy Phillips and Mr. Henry Bell paid me the same day, but I can't tell any more how much.

Q. Where does Patsy Phillips live, and did he not pay you for the Democrats?—A. He lives down here at Mount Carbon; I can't tell those he paid for, whether they were Democrats or Republicans.

Q. Give us some of the names that Phillips paid for?—A. I guess he paid for John Carney, and Bernard Fitzpatrick, Edward Vail, Edward Connolly, and John Duffy, jr., and he has paid some others, but I don't know which.

Q. You were paid for ten or more parties who are inmates of the poor-house which is situate in your township; who paid you those taxes?

(Objected to as not being in rebuttal of anything proved by incumbent.)

A. I only was paid for two that were inmates of the poor-house, besides these other men that are working there, Minnich and Schumbacher, who paid for themselves, and so also did Charles Kerkeslager and Martin Hoffman.

Q. Who were these two that Mr. Beck, the steward of the poor-house, paid you for?—A. Boltzer Keifer was one of them, and Thomas Wickham was one.

Q. Who paid you John Smith's taxes at the poor-house?—A. I did not receive any of John Smith's taxes.

Q. Who paid you Michael Kelley's, who was an inmate of the poor-house?—A. I have no such name on my duplicate.

Q. Who paid Thomas Brennan's, who was also an inmate at the poor-house?—A. I only received from one Thomas Brennan, and he lived down here at the turnpike, across the railroad.

Q. Who paid Darby Mullen's taxes, who was an inmate of the poor-house?—A. I have no such name on my duplicate.

Cross-examined (with the usual reservations and exceptions):

Q. You say Henry Bell paid you some taxes?—A. Yes, sir; but I don't know how much.

Q. Do you know Henry Bell's politics?—A. No, sir; I do not.

Q. Did he pay for Democrats or Republicans?—A. That I can't tell, neither.

Q. Haven't you heard, and isn't he known as a Republican?—A. Yes; I have heard that.

Q. Don't you know that he takes an interest in behalf of politics of the Republican party?—A. I don't know, for I don't know him very long.

WM. STERNER.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

NEAL QUINN sworn.

Question. Where do you live?—Answer. New Castle Township.

(Incumbent requests the object and purpose of this examination.

Contestant's counsel states, to show that receipts were given to parties who had not paid for them, and who voted for the incumbent.

Incumbent objects, as stated in former witnesses, with the same force as if stated at length, under the agreement.)

Q. Are you the collector of State and county taxes of New Castle Township for 1876?—A. I am.

Q. Did you issue any tax-receipts to parties who had not themselves paid you for the taxes?—A. Yes, sir.

Q. Give us the names.

(Objected to as immaterial and irrelevant.)

A. I couldn't think of them now. Men that I thought were poor I just left a tax-receipt for them.

Q. Have you your duplicate with you?—A. I have it with me.

Q. Give us as many of the names as you can of those to whom you issued such receipts.—A. I gave some parties receipts who did not vote at all; they did not ask me for them though; I thought they were poor, and to save myself trouble, I just left them their receipts. There

was John Lawler, Owen Lawler, Michael Donnelly, Bernard Reilly, James O'Donnell, Edward Brennan (New Castle).

Q. Did James Brennan pay you any taxes for 1876?—A. No, sir.

Q. Do you know Wm. Lacey, at Greenberry?—A. No, sir; there is no Lacey on my duplicate; I am sure of it.

Q. Do you know Edward Hepner, and did he pay you any taxes for 1876?—A. Yes, sir; he did not pay me yet.

Q. Did you give Hepner or Jim Brennan receipts?—A. No, sir.

Q. There is but one Jim Brennan that you know of in your township?—A. There is but one Jim Brennan; I know that.

Q. Which one of the names you gave us had paid taxes for 1875?—A. I don't know whether any of them paid for 1875. I was not collector that year.

Q. About how many receipts did you issue for which you did not receive the money?

(Objected to because assuming a fact not in evidence.)

A. I couldn't tell exactly; I gave a good many.

NEAL QUIN.

Sworn and subscribed before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

THOMAS JORDAN sworn.

Question. Where do you live?—Answer. In Saint Clair, north ward.

Q. Did you vote at the last November election?—A. Yes, sir.

(Objected to as above, and for the same reason.)

Q. Did you pay a State or county tax within two years before the last November election?—A. I did. (Witness shows receipt, dated February 12, 1876, for following taxes for 1875: County, $0.75; school, $1.35; total, $2.10. (Signed) J. Learey, collector.

Q. You paid no State or county taxes in 1876?—A. I did not pay State or county taxes in 1876.

Q. Is the tax named in the above receipt the only State or county tax you have paid within two years before the last November election?—A. Yes, sir.

his
THOMAS + JORDAN.
mark.

Sworn and subscribed to before me this 27th day of March, 1877.

H. K. WESTON,
Notary Public.

HUGH O'DONNELL sworn.

Question. Where do you reside?—Answer. Palo Alto.

Q. Did you vote at the last November election?—A. Yes, sir.

(Incumbent requests to have object stated as to why this witness is examined.

Contestant's counsel replies: To show that he is an illegal voter, and that he voted for the incumbent.

Incumbent objects, as in foregoing cases.)

Q. Had you paid a State or county tax within two years of the last November election?—A. Yes, sir. (Witness produces receipt dated July 18, 1876, for the following taxes of 1875: County, $0.75; school, $1.05; $1.80. (Signed) Patrick Collins, collector.)

Q. Is this the only county or State tax that you paid within two years before the last November election?—A. No, it ain't.

Q. When did you pay another State or county tax?—A. I paid the year before that (1874).

Q. Tell us when you paid the tax for 1874?—A. I can't tell you, but the receipt I have will show. (Witness shows receipt dated December 15, 1874, for the taxes of 1874.)

Q. This receipt of Patrick Collins—did you pay that tax?—A. I did; I am sure of it.

Q. You say you paid that tax to the constable, D. B. Strauch?—A. Yes, sir.

his
HUGH + O'DONNELL.
mark.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

WILLIAM COMER sworn.

You are the tax-collector for State and county taxes for East Norwegian Township?

(Incumbent's request, contestant's reply, and incumbent's objections are here renewed with same effect as if stated in full.)

Question. You have been the collector of these taxes for the last three years?—Answer. Yes, sir.

Q. Did you issue any tax-receipts last fall to parties who did not pay you themselves for those receipts?—A. They did not pay me at the time. They promised to pay me some time again when they got able.

Q. How many such receipts did you issue?—A. Some six or seven.

Q. To whom did you give them?—A. I can't remember all the names at present. There is Thomas Mahony, William Mullen, Thomas Mooney. I have a list of them at home, but I can't remember more now.

Q. When did you give these receipts out?—A. I gave some of them in the month of August, and also in September. Some of them were part paid at that time.

Q. Do you know Bernard Horan, and had he paid you the taxes for 1876 or 1875?—A. I do. He did not pay me for 1875 nor 1876.

Q. He was judge of the election last November?—A. Yes, sir.

Q. Has Thomas Cochlin paid you State or county tax for the year 1875 and 1876?—A. He paid the 1874 tax in the year 1875. He has not paid me the taxes of 1875 or 1876.

Q. Has Andrew Hayes paid you either 1875 or 1876 taxes?—A. I ain't certain; I believe his brother paid it for him. He paid it for him for 1875 or 1876; I ain't certain which. His tax for 1876 is not marked "paid" on my duplicate.

Q. Can you tell whether the tax for 1876 is paid or not?—A. I can't exactly say; I don't think he is returned as "exonerated" for 1876.

Q. Has Thomas Cochlin paid his tax for 1875 (State and county)?—A. I ain't certain; I know he paid some tax in 1875.

Q. If you have "returned" a Thos. Cochlin as not having paid his county tax in 1875, are his taxes for 1875 paid?—A. I don't know whether he paid the 1875 taxes, but I know he paid his 1874 taxes to me in 1875.

Q. Has John Feenly paid you his taxes for 1876?—A. No, sir.

Q. Did he pay you his taxes for 1875?—A. I ain't certain of that.

Q. If you returned him as not having paid his county tax for 1875, has he then paid?—A. If I returned him as not paid, then he has not paid.

Q. Has William Mullen paid you any State or county taxes for 1876?—A. Yes, sir; some time in the summer of 1876.

Q. When did you give him the receipt?—A. In the summer of 1876.

Q. Tell us why you gave him a receipt before he paid you the money?

(Objected to.)

A. Because he asked me for it, and promised to pay it as soon as he could get the money.

Q. Are you in the habit of giving parties receipts when they ask for them and promise to pay them afterward?—A. No, sir; I am not.

Q. Had Mr. Mullen paid you any State or county tax in 1875?—A. No, sir.

Q. Had he paid you in 1874?—A. I can't remember that, it's too far back.

Q. If you returned him as not having paid the 1874 taxes, has he paid you?—A. Then he has not paid it if returned.

Q. If Mullen has not paid you the State or county taxes for 1874 or 1875, will you explain to us why you gave him a receipt for 1876 on the simple promise that he would pay you?

(Objected to as immaterial and irrelevant.)

A. In 1874 and 1875 he said he was not able to pay it. Said in 1876 he was starting to work and would soon get some money, and then he would pay me.

Q. Did George Harris pay you a State or county tax for 1876?—A. He is not marked "paid" on my duplicate, but I think he has paid. Think he came to the house in the summer-time to pay his personal tax; but I know he got exonerated from some tax.

Q. Did Robert Rowe pay you any county or State tax in 1876?—A. Yes, sir; some time in the fall, I think. He is marked "paid" on my duplicate. If he is returned for 1874 or 1875 as not paid, then he has not.

Q. Did Patrick Conler pay you any State or county tax for 1876?—A. No, sir.

Q. If he is returned for 1874 or 1875 he has not paid any?—A. I believe not.

Q. Can you tell whether George Harris paid you any State or county tax in 1875; and if he is returned is he then paid?—A. I can't tell whether he paid me or not. If returned, then he has not paid me.

Q. Did Michael Brennan pay you his taxes for 1876?—A. I ain't certain whether he did. I believe he paid his personal tax, but think his property tax was returned.

Q. What property does he own?—A. He owns a small house and lot.

Q. If Michael Brennan is returned as not having paid his State and county tax for 1874 and 1875, has he then paid?—A. If he is returned then he has not paid for these years.

WM. COMER.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 8 p. m.

8 P. M.

WILLIAM STOUDT sworn.

Question. Where do you live?—Answer. In Pottsville, middle ward.

Q. Were you a member of the vigilant or executive committee (for the Democrats) of that ward?—A. I was not.

(Incumbent's request, contestant's reply, and incumbent's objections are here renewed with like effect as if stated in full.)

Q. Did you take an active interest in the campaign last fall in your ward?—A. No; not in particular.

Q. Did you look up and see what Democrats had not paid their taxes before the election?—A. No, sir.

Q. Did you not attend to the payment of any taxes?—A. No, sir.

Q. Were you at the polls on election-day?—A. I was.

WILLIAM STOUDT.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

DANIEL MCGURL sworn.

Question. You live in Pottsville, northeast ward?—Answer. Yes, sir.

Q. Did you vote in the northeast ward at the last November election?

(Incumbent's request, contestant's reply, and incumbent's objections are here renewed with like effect as if stated in full.)

Q. Did you pay any taxes for any parties last fall?—A. Only my own.

Q. Did you have any tax receipts given to you to hand to others?

(Objected to as immaterial and irrelevant.)

A. No, sir.

Q. Were you at the northwest election-poll at any time during the election-day last November?—A. I think I passed by there; might have stood by there awhile.

Q. Do you know William Atcock?—A. Yes, sir.

Q. Did you see him at the northwest ward election-poll on election-day?—A. I do not recollect seeing him that day at all.

Q. Don't you remember seeing him that day right at the polls, and telling him that you had his State and county tax all paid for 1876?—A. No, sir.

Q. Did you not go with him toward the window, telling him you had his receipt?—A. No, sir; I did not. I did not speak to him that day.

Q. And you did not have his tax-receipt?—A. No; nobody's tax-receipt but my own.

Q. Had anybody told you that they had paid his taxes for him?—A. No, sir.

Q. Do you know of another Daniel McGurl in town?—A. No, sir; I don't know any other Daniel McGurl in this county but myself.

DANIEL MCGURL.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

DAVID BROWN sworn.

Question. You live where?—Answer. In the north ward, borough of Pottsville.

Q. Did you vote at the last November election?

(Incumbent's request, contestant's reply, and incumbent's objection renewed as in similar cases, with like effect as if stated in full.)

Q. How old are you?—A. Twenty-two years of age last January.

Q. What year were you born in?—A. In 1855.
Q. How can you tell your age?—A. My mother told me.
Q. There is no record of your birth that you know of?—A. Don't know unless it's here in town, in the church.
Q. What church would have the record?—A. The German Catholic Church.

DAVID BROWN.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

ROBERT NESBITT sworn.

Question. Where do you reside?—Answer. In borough of Pottsville, north ward.
Q. Did you vote at the last November election in the north ward?—A. Yes, sir.
(Incumbent's request, contestant's reply, and incumbent's objection renewed as in similar cases, with like effect as if stated in full.)
Q. How long before the election did you live in that ward?—A. About three months or four; might be longer. (He now corrects and says) that in 1876 was in that ward all that year. (The former answer related to the year 1875.)
Q. Had you paid a State or county tax within two years prior to the last November election?—A. I had not.
Q. For whom did you vote for Congress at the last November election, November 7, 1876?
(Objected to because it has not been shown that witness is not a legal voter and cannot be compelled to answer, and it is not in rebuttal evidence.)
A. I decline to answer.
Q. Why do you decline to answer?—A. I don't think I need answer for whom I voted.
Q. Well, won't you tell us?—A. I voted a ticket there, that's all I got to say. It was a split ticket, too; voted both sides.

R. J. NESBITT.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

MARTIN CARL sworn.

Question. Do you live in the north ward of the borough of Pottsville?—Answer. I don't now. I did at the last November election.
Q. Did you vote at that election?—A. Yes, sir; I did.
(Incumbent's request, contestant's reply, and incumbent's objection renewed as in similar cases, with like effect as if stated in full.)
Q. How long had you lived in the ward prior to the last election?—A. I guess I had lived there about one year and a half before that.
Q. But you lived continuously one year and a half before?—A. Yes, I guess I did.
Q. Had you paid a State or county tax within two years immediately preceding the last election?—A. No, sir; I had paid no tax.
Q. For whom did you vote for Congress at the last November election?

(Objected to, that witness, not having been shown to have been an illegal voter, cannot be compelled to answer.)

A. I can't tell; I didn't look at the ticket.

his
MARTIN + CARL.
mark.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

JAMES CONOHAN sworn.

Question. Do you live in the north ward, borough of Pottsville, and did you live there at the last November election?—Answer. Yes, sir.

Q. Did you vote at the last November election?—A. Yes, sir.

(Incumbent's request, contestant's reply, and incumbent's objection renewed as in similar cases, with like effect as if stated in full.)

Q. Had you paid a State or county tax within two years previous to the last November election?—A. Yes, sir. (Witness produces tax-receipt dated January 25, 1876, for county tax, $0.75, for year 1875.)

Q. Did you pay your taxes for 1876?—A. No, sir; not yet.

Cross-examined:

I paid also the taxes of 1874 in 1875, I think.

JAMES CONAGHAN.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

CHARLES FISHER sworn.

Question. Where do you live?—Answer. In the borough of Pottsville, middle ward.

Q. Did you vote at the last November election?—A. I did.

(Incumbent's request, contestant's reply, and incumbent's objection renewed as in similar cases, with like effect as if stated at large.)

Q. Had you paid a State or county tax within two years immediately preceding the last election?—A. I had. (Witness produces receipt, dated October 7, 1876, for county and building tax for 1876, $0.83, A. K. Bace, collector for P. Fasolt.)

Q. Did you pay that tax yourself?—A. No, sir; I did not.

Q. Then you yourself did not pay a State or county tax within two years preceding the last election?—A. I did not. I paid none for 1875. I paid for 1874 in 1875.

Q. Who gave you this receipt?—A. A young man by the name of Lord brought it to where I was working and gave it to me.

Q. What was Lord's first name?—A. I don't know his first name—is a son of Isaac Lord's.

Q. From whom did he get it?—A. Don't know; I did not ask him; wouldn't say for sure, but I think he said Charley Schnerr gave it to him.

Q. Do you know whether Schnerr paid for this receipt?—A. I don't know whether he did or not; don't know who paid for it; somebody must have paid for it.

Q. Where is your tax-receipt for 1874?

A. (Witness produces tax-receipt, dated March 12, 1874, for county tax for 1874, $0.80, signed John Buckley, collector.) I think the date of

this must be wrong, for I think I paid it in 1874; I am pretty sure I did.

Q. For whom did you vote for Congress at the last November election?

(Objected to, because witness has not been shown to have been an illegal voter, and is not compelled to answer.)

A. I voted for Reilly.

CHAS. FISHER.

Sworn and subscribed to before me this 27th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to 10 a. m. March 28, 1877.

MARCH 28, 1877—10 a. m.

A. K. BACE sworn.

Question. You are the collector of county and State taxes of the borough of Pottsville for 1876?—Answer. Yes, sir.

(Incumbent's request, contestant's reply, and incumbent's objection are here renewed with like effect as if stated at large.)

Q. Did any one on behalf of the Democratic county committee pay your State or county taxes last fall prior to the November election?—A. Yes.

Q. Who was it?—A. A. W. Schalck; I think he was chairman of the Democratic county committee.

Q. About how much money did he pay you for such taxes?—A. Well, that I can't tell you exactly; between $35 and $50.

Q. When did he pay it to you?—A. He paid it to me on Saturday, the 6th or 7th of October; I don't know which day it was.

Q. What time of day?—A. About half past 10 o'clock in the evening, at my place of business, on Centre street.

Q. Did he pay you in cash or by check?—A. He paid me part in cash and part by check.

Q. How much of it in cash?—A. I can't tell you; I don't know; the check might have been some twenty-odd dollars; I can't tell.

Q. Who received the receipts for these taxes that Mr. Schalck paid?—A. I think it was John J. Clarke.

Q. For whom were these taxes paid?—A. That's something I can't tell you. I might by going over my small books. John Cummings, of the northwest ward, was one. Adam Baker, of the northwest ward, was another. That's all I can tell you. Yes, I can tell you another. There was one Stoudt, of the middle ward, but I can't tell his first name.

Q. Was this man Stoudt a young or an old man?—A. That I can't tell.

Q. Can you give us some more names for whom taxes were paid?—A. I think Philip Lee, Owen Lee, Pat. Lee, William Lee, James O'Brien, John Ketner, Thomas Martin, ——— Fitzpatrick, R. Y. McCaffrey, and Thomas McCaffrey.

Q. When did you deliver these receipts to Mr. Clarke?—A. I delivered them on the Monday following—I mean the 8th or 9th of October.

Q. Was William Adcock's taxes paid?—A. Not to me.

Q. If not, who was it paid to then?—A. It was paid to old Mr. Fasolt, my deputy, on the day of the election (November 7, 1876).

Q. Was Mr. Fasolt your regular authorized deputy to receive taxes?—A. Yes, sir.

Q. As near as you can, give us about the number of tax receipts delivered to Mr. Clarke?—A. Between forty and fifty.

A. K. BACE.

Sworn and subscribed to before me this 28th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

PETER FASOLT sworn.

Question. You were deputy collector under Mr. Bace for county and State taxes of 1876 in Pottsville?—Answer. Yes, sir.

Q. Does your authority extend to the whole borough?—A. Yes, sir.

(Incumbent's request, contestant's reply, and the incumbent's objections renewed with like effect as if stated in full.)

Q. Did the Democratic county committee pay any taxes to you?—A. I can't say that there was any paid direct. I received some from Mr. Bace, being the money and check which Mr. Schalck left with Mr. Bace. I received it in the presence of Mr. Schalck.

Q. Did William Adcock pay you any taxes?—A. He did not pay me any. He came for a receipt on the day of election. He was drunk. He had another fellow with him. I didn't know who he was. I gave Adcock the receipt to get clear of him. He did not pay for it.

Q. Had nobody paid for that receipt before?—A. No, sir.

Q. Had Daniel McGurl paid for that receipt?—A. It was not paid for.

Q. Do you know James McGurl?—A. I know James McGurl.

Q. Had he paid you for Mr. Adcock's taxes?—A. No, sir; nobody paid them. It ain't paid yet. I don't expect it will be.

Q. Did you issue any other receipts for taxes that were not paid for?—A. No, sir; I done that to get rid of him. Other times I had to "return" him, and I did this to get rid of him.

Cross-examined, reserving all exceptions to the competency, legality, &c.:

Q. Were the receipts that you made out, for which Mr. Schalck paid, the only receipts that you made out for which the persons did not pay their tax?—A. There was a party from Fishbach, a committee. I think Owens was the principal man. Henry Miller, from the northwest ward, was another. That's all I can recollect.

Q. Didn't Mr. Charles W. Schnerr pay you for a number of receipts?—A. Yes; Schnerr paid for a number of receipts.

Q. Didn't Mr. Samuel Russell pay you for a number of receipts?—A. He paid some, yes.

Q. Do you know whether these parties you have named were acting on behalf of the Republican committee?—A. I couldn't say that positively.

Q. Can you tell us the number of receipts or the amount of money paid therefor by the parties you have named?—A. I could not tell the number. We gave out a good many, several hundred, that day, which were paid by the committees and by individuals themselves. I couldn't tell the amount of money received from the parties named.

Recalled:

Q. Who do you refer to when you say that there were several hundred tax-receipts issued which were paid by committees and parties them-

selves? What committee do you refer to?—A. I mean all committees, Democratic and Republican, and including taxes paid by individuals.

PETER FASOLT.

Sworn and subscribed to before me this 28th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

(Contestant's counsel offers the notices dated March 22, 1877, with proof of service upon incumbent, of the examination of witnesses at this time and place, marked, respectively, C C C C and D D D D.)

DANIEL GREENAWALT sworn.

Question. You reside in Pine Grove Township?—Answer. Yes, sir.

(Incumbent objects to examination of this witness, because having no notice of intention to examine Daniel Greenawalt, of Pine Grove Township.

Contestant's counsel replies that the witness does reside in Pine Grove borough, or did at the time he voted at the last November election.)

Q. Your father lives in the borough of Pine Grove, and lived there last November?—A. Yes, sir.

Q. Are you married?—A. Yes, sir.

(Incumbent's request, contestant's reply, and incumbent's objections renewed as in similar cases, and with like effect as if stated in full.)

Q. Where was your wife at the time of the last November election?—A. In the borough of Pine Grove.

Q. Did she stay at your father's?—A. Yes, sir.

Q. For how long a time did she stay at your father's house before that election?—A. It will be two years this coming June that I took my wife to my father's house.

Q. This was in the borough in Pine Grove?—A. Yes, sir.

Q. Where were you during the time that she lived at your father's house?—A. The first year that she was in the borough I worked on my father-in-law's farm, and the second year I worked on my father's farm except two months.

Q. When you don't work on the farm where are you then?—A. Then I am in the borough at my father's house with my wife.

Q. You have your clothing at your father's house?—A. Well, some.

Q. Do you have your washing done at home in the borough?—A. Some.

Q. How far is the farm from the borough, that you were working on last November?—A. About four miles.

Q. Did you come home every Saturday?—A. Yes, sir; almost every Saturday, and went back on Monday mornings.

Q. Where did you vote at the last November election?—A. I voted in Pine Grove Township.

Q. For whom did you vote for Congress at the last November election?

(Objection by incumbent, because it has not been shown that the witness is an illegal voter, and he need not therefore answer the question.)

A. I voted for Reilly.

Cross-examined (reserving all exceptions as to the competency and legality of the foregoing testimony).

Q. Have you got charge of this farm of your father's in the township; do you live on it?—A. My brother lives on it.

Q. How long have you been on that farm with your brother?—A. I have been on the farm the whole time I worked, all except two months last year.

Q. Before that you were on your father-in-law's farm for about a year, and that is in the township also?—A. Yes, sir.

Q. How far is your father-in-law's farm from the borough?—A. About five miles.

Q. How long are you married?—A. Four years on the 25th of next April.

Q. Had you been keeping house at all since you were married?—A. No, sir.

Q. Where was your wife before she went to your father's two years ago?—A. She was at home with her parents.

Q. That is on the farm where you were working?—A. Yes, sir.

Q. During the time that your wife and you were together at your father-in-law's you made that your home?—A. Yes, sir.

Q. Since your wife is at your father's, you have been most of the time with your brother?—A. Yes, sir.

Q. You had your clothing there, and washing done there?—A. Well, some clothing, and some washing done.

Q. You were there all of your time except when you went up to Pine Grove borough over Sunday?—A. Yes, sir.

Q. Had you voted at an election before last November?—A. Only at a township election.

Q. Where had you voted at the township election?—A. Pine Grove Township.

Q. Do you claim Pine Grove Township as your place of residence for the purpose of voting?—A. Well, I do.

Redirect.

Q. Your father lived at one time on this farm that your brother is farming now, and owns it?—A. Yes, sir.

Q. He (your father) moved to Pine Grove about two years ago?—A. No; about four years ago.

Q. Before that you lived with your father?—A. Yes, sir.

Q. Did you move with him to the borough of Pine Grove when he moved?—A. Yes, sir; but I only staid a couple of weeks with him.

Q. Then you went to live with your father-in-law, who lived on another farm (his own) in the township?—A. Yes, sir.

Q. Then you remained with your father-in-law until some time in June, 1875?—A. Yes, sir.

Q. In June, 1875, you moved with your wife and goods, such furniture as you had, to the borough of Pine Grove, to your father's?—A. It was in the spring of 1876 that I moved, but my wife moved in June, 1875.

Q. Your brother is farming the farm of your father, and he is married?—A. Yes, sir.

Q. You work for wages for him?—A. Yes, sir.

Q. The two months in the year that you did not work for him you spent at home with your father and your wife?—A. No, sir; I did work on William Stout's farm in the township also.

Q. What work did you do there?—A. Why, on a farm, too.

Q. How far is that from the borough of Pine Grove?—A. About a mile and a quarter or a mile and a half.

Q. Did you come home every Saturday?—A. Yes, sir.

Recross-examined:

Q. How long had your father lived on this farm before he moved into

the borough, four years ago?—A. About twenty or twenty-two years; I don't know exactly.

Q. Where were you born?—A. I was born somewhere between Minersville and Pottsville.

Q. How long did you live on that farm of your father's?—A. I lived there since they came. I was one year old.

Q. For the last twenty-one or twenty-two years you have never been in Pine Grove borough to live there, longer than a couple of weeks?—A. Yes, sir.

Redirect:

Q. You and your wife never separated?—A. No, sir.

Q. And whenever you ain't working with your brother or somebody else, you are at home with your wife in the borough?—A. Yes, sir.

Rerecross-examined:

Q. Since your father moved into the borough have you been there longer than the two weeks which you told us of, at the time he moved up?—A. Not at one time.

Q. Have you been out of work any length of time during the last year or two?—A. Not very long.

In chief:

Q. You have not been in the township for any other purpose than to work, and whenever you are not working you are at home with your wife in the borough of Pine Grove?—A. Yes, sir.

DANIEL GREENAWALT.

Sworn and subscribed to before me this 28th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

RICHARD WALSH sworn.

Question. Where do you live?—Answer. In Palo Alto borough.

Q. Did you vote there at the last November election?—A. Yes, sir.

(Incumbent's request, contestant's reply, and incumbent's objections are here renewed with like effect as if stated in full.)

Q. Had you paid a State or county tax within two years before the last November election?—A. I did not. (Witness shows receipt dated October 10, 1874.)

Q. This was the last State or county tax that you paid before the last November election?—A. Yes, sir.

Q. For whom did you vote for Congress at the last November election (November 7, 1876)?

(Incumbent objects, because witness has not been shown to have voted illegally, and cannot therefore be compelled to answer.)

A. I voted for James B. Reilly.

Q. How old are you?—A. Twenty-nine years old.

(Incumbent declines to cross examine for reasons same as before.)

RICHARD WALSH.

Sworn and subscribed to before me this 28th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN MCCORMICK sworn.

Question. Where do you live?—Answer. In north ward, borough of Pottsville.

(Incumbent's request, contestant's reply, and incumbent's objections are here renewed with like effect as if stated in full.)

Q. Have you paid a State or county tax within two years of the last November election?—A. I couldn't say.

Q. How long have you lived in that ward?—A. About sixteen or seventeen years, and all the time.

Q. Don't you know that you have not paid any State or county tax for more than two years before the last election (November 7, 1876)?—A. I had a receipt for 1874, which was paid in 1875. I don't know whether it was within the two years or not.

Q. Where is that receipt?—A. I don't know; I couldn't find it.

Q. How do you know that you had such a receipt?—A. I had it on election-day in my pocket; at last November election.

Q. Who had given you that receipt?—A. John Buckley, I believe.

Q. Do you know whether anybody paid any money for it?—A. No, sir.

Q. You had paid none for it?—A. I couldn't say.

Q. How old are you?—A. Can't say for sure; I am twenty-five or twenty-six, I guess.

Q. For whom did you vote for Congress at the last November election (November 7, 1876)?

(Incumbent objects, because witness has not been shown to have been an illegal voter, and cannot therefore be compelled to answer the question.)

A. Mr. Reilly, I believe.

Cross-examined (reserving all exceptions):

Q. Was John Buckley collector of State and county taxes for 1874?—A. Yes, sir; I believe he was.

Q. His name was signed to this receipt?—A. Yes, sir.

Q. How much was the tax?—A. Can't exactly say.

Q. Where did you get the receipt; directly from Buckley or in the house?—A. I don't know whether I got it from him or whether he left it at the house.

JOHN McCORMICK.

Sworn and subscribed to before me this 28th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

RICHARD NASH sworn.

Question. Where do you live?—Answer. In the north ward, borough of Pottsville.

Q. Did you vote at the last November election?—A. I did.

(Incumbent's request, contestant's reply, and incumbent's objections are here renewed with like effect as if stated at length.)

Q. Had you paid a State or county tax within two years preceding the last November election?—A. I did not; my brother paid it for me. (Witness produces tax-receipt dated October 7, 1876, for $1.50, county tax for the year 1875, signed by Thomas Keane, collector.)

Q. This is the receipt of the tax that he paid for you?—A. Yes, sir.

Q. Is this the only State or county tax that was paid for you within two years preceding the last November election?—A. That's the only one; yes.

Q. How old are you?—A. Twenty-eight, 19th of this month.

Q. Did you file an affidavit with the election-officers to give you the right to vote at the last November election?—A. No, sir.

Q. Did any other qualified voter file an affidavit in your case at the

time you voted (November 7, 1876)?—A. No, sir; my vote was not challenged.

Q. For whom did you vote for Congress at the last November election (November 7, 1876)?

(Incumbent objects, because it has not been shown that witness is an illegal voter, and he need not therefore answer the question.)

A. Mr. Reilly.

Q. Do you know Robert Nesbitt; the one who was examined here last evening?—A. I do.

Q. How old a man is he—about?

(Objected to unless witness has knowledge. His opinions are not evidence.)

A. I judge him to be about twenty-five; I don't know anything about his age.

Cross-examined (reserving all exceptions):

Q. How long had you lived in the north ward prior to the last election?—A. All my life time; born and raised there.

Q. Do you know whether you were on the registry-list of 1876?—A. I think I was; I don't know. I was assessor in that ward and thought I assessed myself.

RICHARD NASH.

Sworn and subscribed to before me this 28th day of March A. D. 1877.

H. K. WESTON,
Notary Public.

MARCH 28, 2½ p. m.

THOMAS F. KERNS sworn.

Question. You are the prothonotary of the court of common pleas of Schuylkill County?—Answer. Yes, sir.

(Incumbent asks contestant's counsel to state the object in examining this witness.

Contestant's counsel states the object to be to prove that certain persons who voted at the last November election, and whose right to vote the incumbent has questioned on the ground that they were not citizens, were citizens duly naturalized by the courts of Schuylkill County at the time they voted.)

Q. You have charge of the records of the court of common pleas?—A. Yes, sir.

Q. You were subpœnaed to produce certified copies of the admission to citizenship in your court of Thomas Green, Alfred Kitto, William B. Thomas, Theodore Hellmer (or Hellner), John R. Jones, James Price, and Enoch Jones. Have you them with you?—A. I have the originals. I have no certificates.

Q. Why have you not furnished the certificates as required by the subpœna?—A. Because I have no order from court to that effect.

Q. When was the subpœna requiring you to produce these papers served upon you?—A. Some day last week. I think it was about Wednesday or Thursday of last week; that is, on the 20th or 21st of March.

Q. Then you decline to produce such certified copies of your record in these cases as required by the subpœna?—A. Yes; unless instructed to do so by the court.

The further examination of this witness is adjourned until Monday, April 2, 1877.

THOS. F. KERNS.

OSSMAN J. AREGOOD sworn.

Question. You are clerk of the court of quarter sessions of Schuylkill County, and have charge of the records of that court?—Answer. Yes, sir.

Q. You were subpœnaed to produce a copy of the record dividing the borough of Shenandoah into wards. Have you got that record with you?

(Witness produces paper, copy of record, &c., referred to.)

Q. This is a copy of the record you find in your office of the division of the borough of Shenandoah into five wards?—A. Yes, sir.

Q. Full and entire as you find it of record there?—A. Yes, sir.

Q. Have you a copy of the record of the proceedings of the division of the borough of Gilberton, Schuylkill County, into wards?—A. Yes, sir.

(Witness produces papers purporting to be certified copy of record of proceedings relating to the division of the borough of Gilberton into wards, marked Exhibit E E E E.

Incumbent objects to the introduction of said evidence, because he has had no notice thereof, and because it is not in rebuttal of any evidence offered by incumbent, and is not competent at this time.)

Q. This is a certified copy of the entire proceedings, as of record in your office in the matter of division of the borough of Gilberton into wards?—A. Yes, sir.

Q. The maps you have attached to both these proceedings are correct copies of the maps attached to the original proceedings on file in your office?—A. Yes, sir.

OSSMAN J. AREGOOD.

Sworn and subscribed to before me this 28th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

A. K. Bace recalled for cross-examination.

Question. Were the receipts that you made out in the name of different parties who didn't themselves pay you the taxes for the receipts, and which were paid by Mr. Schalck, on the 7th of October last, the only receipts that you issued in that way?—A. O, no; I issued more.

Q. To whom did you give and who paid for other receipts that were issued in like manner?—A. There were some paid by a man the name of Owens; also, Henry Miller, H. H. Hill, Sam Russell, and Charles Schnerr.

Q. About what number of receipts did you deliver to these parties, and what amount of money did you receive therefor?—A. I gave from eight to fourteen to Owens, and the amount of money that he paid me may have been $10. I gave from twelve to fifteen receipts to Henry Miller, and might have amounted to $11. (I am not positive of these that I am telling you.) I think H. H. Hill got from twenty-five to thirty-five receipts, and I think he gave me $28 and a few cents. I ain't positive about it. Sam Russell didn't get many. He might have got ten in all. Charles Schnerr, from eighteen to twenty-eight. Schnerr paid me, it might average $20. I don't know; I can't tell.

Q. Were you personally acquainted with all these different gentlemen to whom you gave these receipts?—A. Yes, sir; all except Owens. I don't know him very well.

Q. Do you know whether they were acting in the interest and behalf of the Republican party?—A. Some of them told me they were commit-

tee-men; Owens told me he was a Republican committee-man from the north ward (Pottsville), and the others I knew were Republicans.

Q. Give us an idea of the total number of receipts, and amount of money you received for these receipts?—A. There might have been from eighty-five to a hundred receipts. The receipts would average about a dollar each.

Redirect:

Q. Could you say positively that they amounted to fifty receipts?—A. Yes, sir; and more.

Q. How many can you positively say there were issued?—A. I am positive there were seventy receipts.

Q. The receipts that you gave to these parties were all paid for in money on the evening of the 7th of October, 1877?—A. Yes, sir.

Q. And the receipts were delivered during that day and evening?—A. Yes, sir.

Q. Do you know Henry Beyerle?

(Incumbent's counsel objects as immaterial.)

A. I know him.

Q. In which ward does he live now?—A. I don't know.

Q. Where was his last residence that you knew?—A. Up in Minersville road, and that is about twelve years ago.

A. K. BACE.

Sworn and subscribed before me this 28th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

A. W. SCHALCK affirmed.

Question. Do you reside in the borough of Pottsville?—Answer. I do.

Q. You are chairman of the Democratic county standing committee, and was during the last campaign (November 7, 1876)?—A. Yes, sir.

(Incumbent asks contestant to state the object in calling this witness. Contestant's counsel replies that the object is for the purpose of ascertaining certain facts as set forth in the reasons given for the examination of A. K. Bace and other tax-collectors.

Objected to as not being rebuttal evidence, and therefore not competent; also it is immaterial and irrelevant.)

Q. As chairman of the committee it was your duty, and you attended to it, to manage the campaign?—A. Yes, sir; I did it to the best of my ability.

Q. State whether among other things you attended to the payment of taxes for parties who had not paid within two years prior to the last November election?—A. We were informed there were such parties who had not paid taxes within two years, and who were recognized as Democrats, and who were expected to vote the Democratic ticket, but who by reason of the hard times prevailing in this county were not able to pay their taxes; and to secure them from losing their votes we paid their tax; that is, I paid it, as all the money went through my hands, and all payments were made by me, with trifling exceptions.

Q. The object of paying these taxes by your committee was to secure them the right to vote?—A. Certainly.

Q. You, as chairman, made it your duty to investigate and find out all you could of such cases, or persons who were unable to pay their taxes?—A. Yes, sir.

Q. Do you know Henry Beyerle?—A. I know him when I see him.

Q. Do you know in which ward he lives?—A. I don't know in which ward he lives to my own knowledge, except from hearsay.

Q. Where did he inform you that he lived at the time of the last election?—A. When I inquired of him what ward he lived in, he informed me that he did not know himself in which ward he was living.

Q. Did he tell where he lived—what street?

(Objected to that the person whose residence is inquired about has been examined under oath in this issue, and his testimony is of record, and secondary evidence is therefore not admissible.

A. I think he said that he lived in George street, but his exact answer I did not charge my memory with; as it appears upon the minutes of this examination.

Q. George street is in the northeast ward, is it not, in the borough of Pottsville?—A. I certainly supposed it was partly in the northeast and partly in the southeast ward.

Q. No part of it is in the south ward?—A. No, sir.

A. W. SCHALCK.

Sworn and subscribed to before me this 28th day of March, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned to Thursday, March 29, 1877, 10 a. m.

THURSDAY, *March* 29, 1877—10 a. m.

Adjourned until Monday, April 2, 1877, 10 a. m.

MONDAY, *April* 2, 1877—10 a. m.

Adjourned to 1.30 p. m., April 2, 1877.

APRIL 2, 1877—1.30 p. m.

WILLIAM H. LEIB sworn.

Question. Where do you live?—Answer. I live in Ashland.

Q. Do you know Edward Monaghan?—A. Yes, sir.

Q. Do you know Michael Kelley?—A. Yes, sir.

Q. State if you saw Michael Kelley the night before the election, November 6, 1876, follow and with Edward Monaghan.—A. I saw him with Ed Monaghan the night before the election. Ed told me he couldn't get rid of him; that he wanted to go 'way, but couldn't get rid of him.

Q. Do you know of any efforts that Monaghan made to get away from him?—A. Ed staid with me some time; thought that he would pass on; but they stood a little ways off and waited for him until he was through talking to me.

W. H. LEIB.

Sworn and subscribed to before me this 2d day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

H. J. MEIXELL sworn.

Question. Where do you live?—Answer. I live at Ashland.

Q. State if you lived there the 6th of last November?—A. I did.

Q. Do you know Michael Kelley, of Ashland?—A. I do.

Q. State whether or not you saw him the night before the last November election (November 6, 1876)?—A. I don't remember having seen him that night.

Q. On that night, or rather on the morning of the 7th of November,

1876, you went any place or with any person, just state the place, with whom you went, and also the time.—A. I went to Girardville with Edward Monaghan. It was rather late at night; we may have started on the night of the 6th, but we did not return until the morning of the 7th.

H. J. MEIXELL.

Sworn and subscribed to before me this 2d day of April, A. D. 1877.
H. K. WESTON,
Notary Public.

JAMES BRENNAN sworn.

Question. Where do you live?—Answer. I live in Greenberry Valley, New Castle Township.

Q. Did you live there last November election, and voted there?—A. Yes, sir. I did not vote there.

Q. Did you vote last November election?—A. No, sir.

Q. Do you know of any other James Brennan living in that district?—A. No, sir; I do not.

Q. What is your occupation?—A. A miner.

JAMES BRENNAN.

Sworn and subscribed to before me this 2d day of April, A. D. 1877.
H. K. WESTON,
Notary Public.

EDWARD BRENNAN sworn.

Question. Where do you live?—Answer. In Greenberry Valley, New Castle Township.

Q. Did you vote at the last November election?—A. Yes; I voted for Reilly, and that's all.

Q. Did you pay a State or county tax within two years before the last election?—A. No, I did not pay the taxes myself.

Q. For whom did you vote for member of Congress at the last November election (November 7, 1876)?—A. I voted for Reilly.

his
EDWARD + BRENNAN.
mark.

Sworn and subscribed to before me this 2d day of April, A. D. 1877.
H. K. WESTON,
Notary Public.

J. H. JAMES sworn.

Question. Where do you live?—Answer. I live in Ashland.

Q. Do you know Edward Monaghan and Michael Kelley?—A. Yes, sir; I know Edward Monaghan and Michael Kelley.

Q. Did you see them on the night of last November 6, 1876 (the night before the election)?—A. Yes, sir.

Q. State where you saw Kelley and what you saw him do.—A. Between the hours of eleven and twelve o'clock I saw Mr. Kelley standing at some corner between my office and the "Dutch ball," held at Schwartz's hall, about four squares from my office. Mr. Monaghan and I had just returned from North Cass Township, and went to Horning's saloon to get something to eat. While on the way we noticed Mr. Kelley and Mr. Quigley walking fast to get up to us. We went into the back room of the saloon to avoid it. I then went to this ball and saw Kelley standing on the outside, on the pavement. I had no conversation with him, neither had Mr. Monaghan to my knowledge. After we were in the room awhile, Mr. Monaghan and Mr. Meixell started for

Girardville to deliver some tickets. That's the last I saw of Mr. Monaghan until the next morning, and I am satisfied that Mr. Kelley did not either.

Q. Is this Michael Kelley you have reference to the same person that was examined by Mr. Reilly, at Ashland, in the Nutting-Reilly contest?—A. It is.

J. H. JAMES.

Sworn and subscribed to before me this 2d day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

(Counsel for contestant offers in evidence the notices of the examinations of witnesses, severally dated March 28 and March 29, 1877, with proof of service upon the incumbent, and respectively marked "DDDD 1" and "DDDD 2.")

Adjourned at 2 o'clock to meet at the court-house at 2½ o'clock.

Examination resumed at court-house, 2½ o'clock.

(Incumbent objects to the examination of the above witnesses (Wm. H. Leib, H. J. Meixell, and J. H. James): 1st. Because it is not rebuttal testimony; 2d. Because it is hearsay and not the best evidence; 3d. Because it is immaterial and irrelevant, and by agreement the objection is to have the same effect as if stated before the witnesses were examined.)

JOHN C. F. CHRISTIAN sworn:

(Incumbent objects to the examination of this witness because he has had no notice of the intention to examine him at this time and place.

Contestant's counsel replies that the witness is the person referred to in the notice whose name appears therein as John A. Christian.)

Question. You are a surveyor and engineer student?—Answer. Yes, sir.

(Incumbent asks contestant to state the object in calling this witness.

Contestant's counsel states the object to be, to show by him the lines of the borough of Shenandoah, and also to show that the Thomas Coal Company's houses are within the limits of the borough.)

Q. Are you acquainted with the Thomas Coal Company's houses?—A. Yes, sir.

Q. They are situated upon the lands known as and belonging to the Girard estate?—A. Yes, sir.

Q. You are in the employ of Heber S. Thompson, who is the Schuylkill County engineer and agent of the Girard estate?—A. Yes, sir.

(Witness shown a certified copy of the proceedings to incorporate the borough of Shenandoah, in the county of Schuylkill, recorded in the recorder's office of said county in "Miscellaneous book No. 10," pages 560, &c.)

Q. Please look at the map attached to this certified copy and tell us whether these houses (of the Thomas Coal Company) are within the borough limits as laid down upon the map.—A. They are.

Q. Are all of the Thomas Coal Company's houses within the borough?—A. They are all within the borough, all of the row on the north side of the street.

Q. You know where the line is, and these houses are within the borough limits?—A. Yes, sir.

Q. Do you know where the line is on the north side of the borough,

and by that line are these houses belonging to the borough?—A. Yes, sir.

Q. Do you know how many of these houses there are?—A. There are eleven or twelve blocks of two houses each.

Q. Tell us some of the parties who live in these houses?—A. Jonathan Wasley, Frank Willman; these are all the parties I know.

Q. You are not acquainted with the tenants living in them?—A. No, sir.

Cross-examined:

Q. Did you ever make a survey yourself of these lines?—A. I have been with the party who made surveys of the lines of the Girard estate.

Q. What have the lines of the Girard estate to do with the borough lines?—A. A part of the north line of the borough of Shenandoah is the south line of the Girard estate.

Q. Of which tracts of the Girard estate is it the south line?—A. James McNeill.

Q. Then the western portion of the northern borough-line is the southern line of the James McNeill tract, is it?—A. Yes, sir.

Q. Does the McNeill line run to this offset?—A. Yes, sir.

Q. What tract commences after this offset?—A. The Jeremiah Jackson.

Q. Don't you know that the southern line of the Jeremiah Jackson is the continuation of the southern line of the James McNeill, and that there is no offset between the two tracts?—A. I do.

Q. Then when the borough line makes this offset, it cuts into the Jeremiah Jackson?—A. Yes, sir.

Q. Then from this offset forward the northern line of the borough of Shenandoah is no longer the southern line of the Girard tracts?—A. No, sir.

Q. Did you confine your lines or investigations to the lines of the Girard tract?—A. Yes, sir.

Q. Then if this northern line of the borough of Shenandoah is no longer the southern line of the Girard lands, how can you vouch for the correct location of this portion of northern line of the borough?—A. From the records that I have seen in the court-house, filed with the application for the incorporating of the borough of Shenandoah, of which this is a certified copy, and also of the map filed, dividing the borough into wards.

Q. Then, as I understand you, you yourself did not run the borough-line?—A. No, sir.

J. C. F. CHRISTIAN.

Sworn and subscribed to before me this 2d day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

A. B. COCHRAN sworn:

I live in the borough of Pottsville, am a qualified voter, and voted at the last November election.

(Ballot-box of North Manheim is now produced for opening, upon the call of the contestant's counsel.

Incumbent asks the contestant's counsel to state the object and purpose of this examination.

Contestant's counsel replies that the object is to show for whom parties voted for Congress whose votes have been shown to have been cast illegally, and which votes contestant alleges to have been cast for the incumbent.

Incumbent objects: 1st, because the offer is indefinite and uncertain; 2d, it is not rebuttal testimony; 3d, the proposed examination is improper and illegal, in that contestant has not shown or designated what persons voted at said election for incumbent were illegal voters.

(Incumbent does not object to the examination of the ballot of any person whose right to vote incumbent has questioned or denied in his examination.)

Question. What list did you find in the box?—Answer. November election, 1876. List of voters who voted in North Manheim, Schuylkill County, Pennsylvania, also a registry of voters of North Manheim Township, Schuylkill County, 1376, the tally-list and affidavit of the election-officers, and ballots.

Q. Give us the names of the election-officers.—A. William Flammer, judge; John Fenstermacher, inspector; Jno. L. Kuebler, inspector; William Fenstermacher and Frank Schropp, clerks.

Ballot No. 66 marked on face of ticket. On list of voters in box, "John Smith." Ballot reads, "For Congress, James B. Reilly."

Ballot marked 1004 on face of the ticket. On list of voters, No. 104, "Murphey Mullin."

(Incumbent objects to contents of this ballot, because witness has not testified to finding a corresponding number on the list of voters.)

Ballot reads, "Congress, James B. Reilly."

Q. How many names are on the list of voters as appears by the numbers?—A. One hundred and ninety.

Q. Then the 1004 is evidently a mistake?

(Objected to as a mere argument of counsel, and unless witness has knowledge he cannot testify.)

A. It is evidently a mistake. I would suppose so.

Q. Have you known Germans in making a mistake in using more 0's in that way?—A. I had no experience in that line.

Ballot No. 99 on tally-list. "Michael Kelley" on face of ticket. Ballot reads, "Congress, James B. Reilly."

Ballot No. 127 on face of ticket. On tally-list, "Bolsan Keffer." Ballot reads, "Congress, James B. Reilly."

Ballot No. 94 on face of ticket. On tally-list, 94, "Ruben Luckbill." Ballot reads, "Congress, James B. Reilly."

Ballot No. 128 on face of ticket. On tally-list, "Thomas Wigian." Reads, "Congress, James B. Reilly."

Ballot No. 100 on face of ticket. On tally-list, "Thomas Prennen." Reads, "Congress, James B. Reilly."

Ballot No. 38 on face of ticket. On tally-list, "Martin Hoffman." Reads, "For Congress, James B. Reilly."

(Ballot-box for North Cass is now produced and opened.)

Q. What do you find in this box?—A. In this box I find "List of voters, fall election, 1876. List of voters who voted in North Cass, Schuylkill County, Pennsylvania."

Q. The list is in the form of a pamphlet, is it not?—A. Yes, sir; the usual form.

Q. But has no names written inside; all the leaves are blank?—A. Yes, sir; some of the leaves are torn out. All the rest are blank.

(Incumbent's objection renewed with same effect as if stated in full.)

Q. You find something else that purports to be a list of voters?—A. I find three leaves, with the usual printed heading: "Election, 1876. List of voters who voted in ——— Township, Schuylkill County, Pennsylvania." It contains names running 1 to 150, inclusive.

Q. Are these leaves evidently taken out of the other pamphlet from list that you found in the box?—A. I believe that they are.

Q. Do you find a tally-list and triplicate returns?—A. I find tally-list, triplicate returns, and ballots.

Q. Give us the names of the officers.—A. J. J. O'Conner and M. B. Delaney, inspectors; M. H. Walsh, judge; Michael O'Brien and Thomas McGuire, clerks; and a certificate below it, signed: "We certify the above return is correct. Signed by John Curren, Charles F. Hime, overseers." The tickets in this box appear to be all State tickets.

(Another box produced.)

Q. This box you have now is the exact pattern and make of the other box, is it not?—A. Yes, sir.

Ballot No. 49, marked on back of ticket. On list of voters, No. 49, "John Hughes." Ballot reads, "Congress, James B. Reilly."

Ballot No. 131, on back of ticket. No. 131, on list of voters, "James Cavanogh." Reads, "Congress, James B. Reilly."

Ballot No. 50, on back of ticket. No. 50, on list of voters, "Edward Dealany." Reads, "Congress, James B. Reilly."

Ballot No. 121, on back of ticket. No. 121, on list of voters, "Edward Kenedy." Reads, "Congress, James B. Reilly."

Ballot No. 126, on back of ticket. No. 126, on list of voters, "John Horan." Reads, "Congress, James B. Reilly."

Ballot No. 26, on face of ticket. No. 26, list of voters, "Michael Brennan." Reads, "Congress, James B. Reilly."

Ballot No. 104, on back of the ticket. No. 104, on list of voters, "Patrick Cogan." Reads, "Congress, James B. Reilly."

Ballot No. 88, on back of ticket. On list of voters, No. 88, "Pat-Adams." Reads, "Congress, James B. Reilly."

Ballot No. 113, on back of ticket. On list of voters, No. 113, "Michael Queen." Reads, "Congress, James B. Reilly."

Ballot No. 106, on back of ticket. No. 106, list of voters, "Andrew Foly." Reads, "Congress, James B. Reilly."

Ballot No. 55, on back of ticket. No. 55, on list of voters, "James Purcel." Reads, "Congress, James B. Reilly."

Ballot No. 70, on back of ticket. No. 70, on list of voters, "Thomas Brennan, B." Reads, "Congress, James B. Reilly."

Ballot No. 13, on back of ticket. On list of voters, No. 13, "John Quirk." Reads, "Congress, James B. Reilly."

Ballot No. 11, on back of ticket. No. 11, on list of voters, "John Whalen." Reads, "Congress, James B. Reilly."

Ballot No. 64, back of ticket. No. 64, list of voters, "Michael Cahill." Reads, "Congress, James B. Reilly."

Ballot No. 57, marked on back of ticket. On list of voters, No. 57, "William Britt." Reads, "Congress, James B. Reilly."

Ballot No. 61, on back of ticket. On list of voters, No. 61, "Patrick Wade." Reads, "Congress, James B. Reilly."

Ballot No. 144, on back of ticket. No. 144, on list of voters, "Peter McVoy." Reads, "Congress, James B. Reilly."

Ballot No. 142, on back of ticket. No. 142, on list of voters, "John Nash." Reads, "Congress, James B. Reilly."

Ballot No. 25, on back of ticket. No. 25, on list of voters, "Thomas McGuoire." Reads, "Congress, James B. Reilly."

Ballot No. 51, on back of ticket. No. 51, list of voters, "James Adams." Reads, "Congress, James B. Reilly."

Ballot No. 83, on back of ticket. No. 83, list of voters, "Bart. Calaghan." Reads, "Congress, James B. Reilly."

Ballot No. 101, on back of ticket. No. 101, on list of voters, "Edward Clancy." Reads, "Congress, James B. Reilly."

Ballot No. 86, on back of ticket. No. 86, list of voters, "James Murphy." Reads, "Congress, James B. Reilly."

Ballot No. 95, marked on back of ticket. No. 95, on list of voters, "Jeremiah Curren." Reads, "Congress, James B. Reilly."

Ballot No. 97, on back of ticket. No. 97, on list of voters, "Bill Shore." Reads, "Congress, James B. Reilly."

Ballot No. 77, marked on back of ballot. On list of voters, No. 77, "Matt. Colo." Reads, "Congress, James B. Reilly."

Ballot No. 111, marked on back. No. 111, on list of voters, "Michael Shore." Reads, "Congress, James B. Reilly."

Ballot No. 134, on back of ticket. No. 134, on list of voters, "William Walsh." Reads, "Congress, James B. Reilly."

Ballot No. 107, on back of ticket. No. 107, on list of voters, "Edward Ryan." Reads, "Congress, James B. Reilly."

Ballot No. 32, marked on back of ticket. No. 32, on list of voters, "John Moore, R." Reads, "Congress, James B. Reilly."

Ballot No. 108, on back of ticket. No. 108, on list of voters, "Richarch Hughes." Reads, "Congress, James B. Reilly."

Ballot No. 120, marked on back of ticket. No. 120, on list of voters, "Humpry Horan." Reads, "Congress, James B. Reilly."

Ballot No. 143, on back of ticket. No. 143, on list of voters, "Patrick Mulhall." Reads, "Congress, James B. Reilly."

Ballot No. 87, marked on back of ticket. No. 87, on list of voters, "Pat. Craney." Reads, "Congress, James B. Reilly."

Ballot No. 150, on back of ticket. No. 150, on list of voters, "John Purcell." Reads, "Congress, James B. Reilly."

Ballot No. 146, on back of ticket. No. 146, on list of voters, "Michael B. Delaney." Reads, "Congress, James B. Reilly."

Ballot No. 74, marked on back of ticket. On list of voters, No. 74, "Edward Stalenton." Reads, "Congress, James B. Reilly."

Ballot No. 99, on back of ticket. No. 99, on list of voters, "Corines Deary." Reads, "Congress, James B. Reilly."

Ballot No. 42, on back of ticket. No. 42, on list of voters, "William McMultry." Reads, "Congress, James B. Reilly."

Ballot No. 80, on back of ticket. No. 80, on list of voters, "Pat. J. Cavanaugh." Reads, "Congress, James B. Reilly."

Ballot No. 75, on back of ticket. No. 75, on list of voters, "James Nolan." Reads, "Congress, James B. Reilly."

Ballot No. 71, on back of ticket. No. 71, on list of voters, "Oliver Walsh." Reads, "Congress, James B. Reilly."

(The ballot-box is now produced and opened of the north ward, borough of Tamaqua.)

Q. What do you find in this box?—A. I find a list of voters "November 7, 1876, election-list of voters who voted in north ward, borough of Tamaqua, Schuylkill County, Pennsylvania."

Q. What else do you find?—A. I find tally-list and ballots.

Ballot No. 123, on face of ticket. No. 123, on list of voters, "John McCarron." Reads, "For Congress, James B. Reilly."

Ballot No. 96, on back of ticket. On list of voters, No. 96, "Ed. Monday." Reads, "For Congress, James B. Reilly."

Ballot No. 116, on face of ticket. No. 116, on list of voters, "James Monday." Reads, "For Congress, James B. Reilly."

Q. Examine the list of voters you find in this box and tell us whether

the name of John B. Shearer is upon it as having voted.—A. I find no John B. Shearer on the list.

Q. You have examined every name on that list?—A. Yes, sir.

Q. And do not find the name?—A. I do not find it.

(The ballot-box of the south ward of the borough of Tamaqua is now produced and opened.)

Q. What do you find in this box?—A. I find list of voters, tally-lists, and ballots. The list of voters is marked "General November election, 1876. List of voters who voted in the south ward, borough of Tamaqua, Schuylkill County, Pennsylvania."

Ballot No. 223, marked on face of ticket. No. 223, on list of voters, "Thomas McBreen." Reads, "Congress, James B. Reilly."

Ballot No. 206, marked on face. No. 206, on list of voters, "Luke McCool." Reads, "For Congress, James B. Reilly."

Ballot No. 129, on face of ticket. No. 129, on list of voters, "Terrence Cunningham." Reads, "Congress, James B. Reilly."

Ballot No. 126, on face of ticket. No. 126, on list of voters, "Patrick Dolan." Reads, "For Congress, James B. Reilly."

(Ballot-box of borough of Auburn is now produced and opened.)

Q. What do you find in this box?—A. I find list of voters, tally list, and ballots; also affidavits of the officers of the election.

Ballot No. 113, marked on face of ticket. No. 113, on list of voters, "Charles Sowers, on age." Reads, "Congress, James B. Reilly."

(Ballot-box of South Cass Township produced and opened.)

Q. What do you find in this box?—A. I find list of voters, triplicate election returns, ballots.

Q. Who were the officers of the election?—A. They were, Charles P. McCauley, judge; William McHale, inspector; Ephraim D. Davis, inspector; Thomas Fowler, clerk; John O'Malley, clerk.

All the ballots in this box are marked "State." The box accompanying it, and containing the "county" ballots, is now produced and opened.

Q. What does this box contain?—A. It contains the "county" ballots and also the tally-list of South Cass election-district.

Ballot No. 3. No. 3, on list of voters, "John R. Davis." Reads, "Congress, James L. Nutting."

Ballot No. 218. No. 218, on list of voters, "Morgan Haverd." Reads, "Congress, James L. Nutting."

Ballot No. 202. No. 202, on list of voters, "Henry Belz." Reads, "Congress, James B. Reilly."

Ballot No. 206. No. 206, list of voters, "Edward Brady." Reads, "Congress, James B. Reilly."

Ballot No. 141. No. 141, on list of voters, "Richard Canfield." Reads, "Congress, James B. Reilly."

Ballot No. 78. No. 78, on list of voters, "Pat Dunlowe." Reads, "Congress, James B. Reilly."

Ballot No. 133. No. 133, on list of voters, "James Brogan." Reads, "Congress, James B. Reilly."

Ballot No. 174. No. 174, on list of voters, "George Maley." Reads, "Congress, James B. Reilly."

Ballot No. 61. No. 61, on list of voters, "Wim Cook (or Look)." Reads, "Congress, James B. Reilly."

Ballot No. 186. No. 186, on list of voters, "John Kelley." Reads, "Congress, James B. Reilly."

Ballot No. 124. No. 124, on list of voters, "Patrick Dougherty." Reads, "Congress, James B. Reilly."

Ballot No. 152. No. 152, on list of voters, "Michael Donoho." Reads, "Congress, James B. Reilly."

Ballot No. 175. No. 175, on list of voters, "Patrick Haley." Reads, "Congress, James B. Reilly."

Ballot No. 242. No. 242, on list of voters, "James Lynch." Reads, "Congress, James B. Reilly."

Ballot No. 143. No. 143, on list of voters, "Patrick Penderghist." Reads, "Congress, James B. Reilly."

Ballot No. 25. No. 25, on list of voters, "Owen Reilley." Reads, "Congress, James R. Reilly."

Ballot No. 66. No. 66, on list of voters, "Frank Gallagher." Reads, "Congress, James B. Reilly."

Ballot No. 220. No. 220, on list of voters, "George Buck." Reads, "Congress, James B. Reilly."

Ballot No. 200. No. 200, on list of voters, "John Kelley." Reads, "Congress, James B. Reilly."

Ballot No. 114. No. 114, on list of voters, "John Fadden." Reads, "Congress, James B. Reilly."

Ballot No. 251. No. 251, on list of voters, "Martin Murphy." Reads, "Congress, James B. Reilly."

Ballot No. 116. No. 116, on list of voters, "James McKeown." Reads, "Congress, James B. Reilly."

Ballot No. 240. No. 240, on list of voters "Dennis Doyl." Reads, "Congress, James B. Reilly."

Ballot No. 89. No. 89, on list of voters, "James O'Learey." Reads, "Congress, James B. Reilly."

Ballot No. 144. No. 144, on list of voters, "John McNalis." Reads, "Congress, James B. Reilly."

Ballot No. 247. No. 247, on list of voters, "William Breen." Reads, "Congress, James R. Reilly."

Ballot No. 17. No. 17, on list of voters, "Wim McHall (or McHale)." Reads, "Congress, James B. Reilly."

Ballot No. 148. No. 148, on list of voters, "John Reiley." Reads, "Congress, James B. Reilly."

Ballot No. 4. No. 4, on list of voters, "James Butler." Reads, "Congress, James R. Reilly."

Ballot No. 109. No. 109, on list of voters, "Michael Kelley." Reads, "Congress, James B. Reilly."

Ballot No. 207. No. 207, on list of voters, "Frank Bradey." Reads, "Congress, James B. Reilly."

Ballot No. 137. No. 137, on list of voters, "Michael Feeny." Reads, "Congress, James B. Reilly."

Ballot No. 154. No. 154, on list of voters, "Daniel McMichael." Reads, "Congress, "James B. Reilly."

Ballot No. 2. No. 2, on list of voters, "John Libarch." Reads, "Congress, James B. Reilly."

Ballot No. 252. No. 252, on list of voters, "Patrick Barney." Reads, "Congress, James B. Reilly."

Ballot No. 246. No. 246, on list of voters, "Frank Gorden." Reads, "Congress, James B. Reilly."

Ballot No. 280. No. 280, on list of voters, "Richard Fitzpatrick." Reads, "Congress, James B. Reilly."

Ballot No. 93. No. 93, on list of voters, "Thomas Mohan." Reads, "Congress, James B. Reilly."

Ballot No. 276. No. 276, on list of voters, "Martin Carney." Reads, "Congress, James B. Reilly."

Ballot No. 38. No. 38, on list of voters, "John Chlin." Reads, "Congress, James B. Reilly."

Ballot No. 273. No. 273, on list of voters, "Martin Muldoon." Reads, "Congress, James B. Reilly."

Ballot No. 271. No. 271, on list of voters, "Martin Feeney." Reads, "Congress, James B. Reilly."

Ballot No. 166. No. 166, on list of voters, "Charles Sooperd." Reads, "Congress, James B. Reilly."

Ballot No. 55. No. 55, on list of voters, "Anthony Ladden." Reads, "Congress, James B. Reilly."

Ballot No. 108. No. 108, on list of voters, "Thomas Toole." Reads, "Congress, James B. Reilly."

Ballot No. 178. No. 178, on list of voters, "Patrick Bugy." Reads, "Congress, James B. Reilly."

Ballot No. 229. No. 229, on list of voters, "Michael Gaben." Reads, "Congress, James B. Reilly."

Ballot No. 25. On list of voters, No. 25, "Owen Reilly." Reads, "Congress, James B. Reilly."

Ballot No. 184. On list of voters, No. 184, "John Fillips." Reads, "Congress, James B. Reilly."

Ballot No. 264. No. 264, on list of voters, "Edward Hanckney." Reads, "Congress, James B. Reilly."

Ballot No. 130. No. 130, on list of voters, "Luke Mohan." Reads, "Congress, James B. Reilly."

Ballot No. 210. No. 210, on list of voters, "John Gallagher." Reads, "Congress, James B. Reilly."

Ballot No. 223. On list of voters, No. 223, "Patrick Harkins." Reads, "Congress, James B. Reilly."

Ballot No. 6. No. 6, on list of voters, "Nicholas Liebach." Reads, "Congress, James B. Reilly."

Ballot No. 167. No. 167, on list of voters, "Thomas Carroll." Reads, "Congress, James B. Reilly."

Ballot No. 23. No. 23, on list of voters, "James Canaly." Reads, "Congress, James R. Reilly."

Ballot No. 51. No. 51, on list of voters, "Bine Heakeon." Reads, "Congress, James B. Reilly."

Ballot No. 27. No. 27, on list of voters, "Owen McMrick." Reads, "Congress, James B. Reilly."

Ballot No. 40. On list of voters, No. 40, "William H. Dormer." Reads, "Congress, James B. Reilly."

Ballot No. 119. No. 119, on list of voters, "Michael Kelley," Reads, "Congress, James B. Reilly."

Ballot No. 169. No. 169, on list of voters, "William Delaney." Reads, "Congress, James B. Reilly."

Ballot No. 155. On list of voters, No. 155, "Patrick McHael." Reads, "Congress, James B. Reilly."

Ballot No. 150. On list of voters, No. 150, "Joseph Duff." Reads, "Congress, James B. Reilly."

Ballot No. 56. No. 56, on list of voters, "James Fadden." Reads, "Congress, James B. Reilly."

Ballot No. 187. No. 187, on list of voters, "Anthony Carroll." Reads, "Congress, James B. Reilly."

Ballot No. 81. No. 81, on list of voters, "John Butler." Reads, "Congress, James B. Reilly."

Ballot No. 75. No. 75, on list of voters, "Pat Gannon." Reads, "Congress, James B. Reilly."

Ballot No. 135. On list of voters, No. 135, "Michael Gaven." Reads, "Congress, James B. Reilly."

Ballot No. 62. No. 62, on list of voters, "Morgan Clusey." Reads, "Congress, James B. Reilly."

Ballot No. 250. No. 250, on list of voters, "Patrick Canfield." Reads, "Congress, James B. Reilly."

Ballot No. 159. No. 159, on list of voters, "Daniel Brennan." Reads, "Congress, James B. Reilly."

Ballot No. 257. On list of voters, No. 257, "Patrick Hopkins." Reads, "Congress, James B. Reilly."

Ballot No. 65. No. 65, on list of voters, "Pat Lankton." Reads, "Congress, James B. Reilly."

Ballot No. 111. No. 111, on list of voters, "John McMichael." Reads, "Congress, James B. Reilly."

Ballot No. 115. No. 115, on list of voters, "John McEwen." Reads, "Congress, James B. Reilly."

Ballot No. 125. No. 125, on list of voters, "John Toole." Reads, "Congress, James B. Reilly."

Ballot No. 164. No. 164, on list of voters, "James Dougherty." Reads, "Congress, James B. Reilly."

Ballot No. 41. No. 41, on list of voters, "Pat Lankton." Reads, "Congress, James B. Reilly."

Ballot No. 50. No. 50, on list of voters, "Jerry Buggy." Reads, "Congress, James B. Reilly."

Ballot No. 212. No. 212, on list of voters, "Patrick Gannon." Reads, "Congress, James B. Reilly."

Ballot No. 171. No. 171, on list of voters, "John Learey." Reads, "Congress, James B. Reilly."

Ballot No. 213. No. 213, on list of voters, "Michael Gannon." Reads, "Congress, James B. Reilly."

Ballot No. 59. No. 59, on list of voters, "Thomas Ward." Reads, "Congress, James B. Reilly."

Ballot No. 42. On list of voters, No. 42, "William Lynch." Reads, "Congress, James B. Reilly."

(Incumbent renews objection here with like effect as if stated in full and as if made before said examination was proceeded with.)

Cross-examined (reserving all exceptions to the competency and legality of the foregoing testimony):

Q. State whether you find on the list of voters there the name of Terrence Connor.—A. I find on the list, No. 274, Terrence Connor's.

(Contestant's counsel asks incumbent to state the purpose and object in this cross-examination.

Incumbent replies that the person voted at the November election, and that he was an illegal voter, and that he voted for the contestant.

Contestant's counsel replies that the witness was examined by the incumbent when he took his testimony, and the evidence shows that he is a qualified and legal voter, and therefore his ballot can not be examined; and

Contestant further objects that it is not a cross-examination of the witness on the stand, and we ask that the commissioner do not permit this ballot to be examined.)

Q. Do you find a ballot in that box with the same number marked on it?

(Contestant's counsel objects to any inquiry as to whether there is a ballot in that box corresponding to that number.

The commissioner here decides that it is not a proper examination of the witness at this time.

Contestant's counsel withdraws his objections to the question if the incumbent insists upon an answer from the witness.

The incumbent not insisting upon an answer, the notary declines to make further inquiry into the ballot referred to.)

Adjourned to April 3, 1877, at 9 a. m.

APRIL 3, 1877—9 a. m.

Examination resumed at the court-house.

JOHN J. PARKER sworn.

(Witness withdrawn for the present.)

A. B. Cochran recalled.

(Ballot-box of the middle ward of Gilberton is now opened.)

Question. What do you find in this box?—Answer. I find list of voters of middle ward of Gilberton; also, tally-papers and ballots marked "county."

Q. Give us the names of the election-officers.—A. John Leahy and William Jackson, inspectors; John Coates, judge; P. W. Purcell and W. R. Middleton, clerks.

Q. Can you tell us the numbers that appear upon the tickets?—A. Some of them I can and some of them I can't distinguish.

Q. Then the figures are not intelligible?—A. They are not intelligible.

Q. You are therefore unable to compare the numbers on the ballots with the numbers on the tally-list and tell how persons voted?—A. Yes, sir; I am unable.

Cross-examined (reserving all exceptions):

Q. There are marks upon the tickets?—A. Yes, sir.

Q. From their character and appearance were they evidently intended to represent the numbers?—A. I believe they were intended to represent numbers, but I cannot decipher them.

Q. They appear to have been made by a person who was not accustomed to or skillful at making figures?—A. Yes, sir; that is their appearance to me.

Q. Do you believe the person who made the figures could himself decipher them?—A. Well, that I don't know; I couldn't tell.

Redirect:

(Ballot-box of west ward of Schuylkill Haven now produced and opened.)

Q. What do you find in this box?—A. I find list of voters marked "General election, 1876; list of voters who voted in west ward, Schuylkill Haven, Schuylkill County, Pennsylvania"; also, the ballots, tally-lists, and the affidavits of the election-officers.

Ballot No. 46. No. 46, on list of voters, "Patrick Carr." Reads, "Congress, James B. Reilly."

Ballot No. 24. No. 24, on list of voters, "John O'Brein." Reads, "Congress, James B. Reilly."

Ballot No. 25. No. 25, on list of voters, "Edward Brennan." Reads, "Congress, James B. Reilly."

Ballot No. 63. No. 63, on list of voters, "Casper Weihinger." Reads, "Congress, James B. Reilly."

(Ballot-box of middle ward of the borough of Ashland now produced and opened.)

Q. What do you find in this box?—A. I find tally-lists and ballots and affidavits of the election-officers.

Ballot No. 16. No. 16, on list of voters, "P. H. Reynolds." Reads, "Congress, James B. Reilly."

The triplicate returns found in this box are signed by J. F. Minogue and Chas. F. Russell, inspectors, and August Voshage, judge, and H. J. Cleaver and P. H. Reynolds, clerks. The triplicate sheet is headed, "Triplicate election return of election held Tuesday, the 7th day of November, 1876, at public house of Henry Troutman, in the borough of Ashland," and is signed by Patrick Langton and N. W. Walter, inspectors; A. Voshage, judge; C. F. Russell and Englebert Craft, jr., as clerks.

Q. The judges and inspectors, you stated just previous to this, were the officers of the borough election of February, 1876?—A. Yes, sir.

Q. Now find ballot No. 16.

(Witness shown list of voters filed with the election papers in the prothonotary's office, for the middle ward of the borough of Ashland.)

Q. Turn to the same number on this list, and tell us what name you find opposite the number.—A. No. 16. P. H. Reynolds (on list of voters). Reads, "Congress, James B. Reilly."

Ballot No. 100. On list of voters, No. 100, "Patrick Flannery." Reads, "Congress, James B. Reilly."

Ballot No. 329. No. 329, on list of voters, "A. J. Pepper." Reads, "Congress, James B. Reilly."

Ballot No. 317. On list of voters same, "Thomas McGrath." Reads, "Congress, James B. Reilly."

(Ballot-box of the east ward of the borough of Ashland produced and opened.)

Q. What do you find in this box?—A. I find tally-list, affidavit of election-officers (William A. Christian, judge; John W. Thirlwell and Patrick W. Gordon, inspectors; Horace Walter and J. Irvin Steel, clerks). I find no ballots in this box.

(Ballot-box of East Norwegian Township now produced and opened.)

Q. What do you find in this box?—A. I find list of voters, November 7, 1876, election, who voted in East Norwegian Township, Schuylkill County, Pennsylvania; triplicate returns, tally-papers, affidavit of election-officers, and ballots.

Ballot No. 72. On list of voters, No. 72, "Patrick Conlon." Reads, "Congress, James B. Reilly."

Ballot No. 13. No. 13, on list of voters, "Michael Brennan." Reads, "Congress, James B. Reilly."

Ballot No. 43. No. 43, on list of voters, "George Harris." Reads, "Congress, James B. Reilly."

Ballot No. 71. No. 71, on list of voters, "Robert Row." Reads, "Congress, James B. Reilly."

Ballot No. 32. No. 32, on list of voters, "John Feeny." Reads, "Congress, James B. Reilly."

Ballot No. 37. Same on list of voters, "William Mullin." Reads, "Congress, James B. Reilly."

Ballot No. 29. No. 29, on list of voters, "Andrew Hays." Reads, "Congress, James B. Reilly."

Ballot No. 28. No. 28, on list of voters, "Thomas Cochlin." Reads, "Congress, James B. Reilly."

A. B. COCHRAN.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

CHARLES F. RAHN sworn:

(This witness is called by agreement between contestant and incumbent in the stead of Adam Hartwig, recorder of deeds, &c., in Schuylkill County.)

Question. You are deputy recorder of Schuylkill County?—A. Yes, sir.

Q. Have you before you "Miscellaneous book, No. 10," page 560, of your office?—A. Yes, sir.

Q. Are the proceedings therein recorded incorporating the borough of Shenandoah?—A. Yes, sir.

Q. Give us the pages upon which the proceedings are recorded?—A. Pages 560, 561, 562, and the copy of a draught or map of the borough on 562.

(Witness produces paper marked Exhibit F F F F.)

Q. Is that a true copy of the record as you find it recorded in this book?—A. Yes, sir.

Q. And the map attached to it a true copy of the map?—A. Yes, sir.

C. F. RAHN.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

(Certified copy of the record above referred to is now offered in evidence, and marked Exhibit F F F F.)

A. B. COCHRAN recalled.

Question. You are surveyor and engineer?—Answer. Yes, sir.

(Witness shown paper marked Exhibit F F F F, certified copy of proceedings of incorporation of the borough of Shenandoah.)

Q. Look at the map attached to these proceedings, and tell us whether the Thomas Coal Company houses at Shenandoah are in the borough of Sehnandoah or not?—A. The Thomas Coal Company's houses are not marked on this map, but are situated on ground within the lines of the borough, and consequently are situated within the borough of Shenandoah.

(Witness shown certified copy of the proceedings in the court of quarter sessions of Schuylkill County, dividing said borough of Shenandoah into wards, marked Exhibit G G G G.)

Q. Did you make the original map on file in the court of quarter sessions of Schuylkill County, of which the map attached to these proceedings is a copy?—A. Yes, sir.

Q. The lines of the borough, as given on this map, correspond with the lines on the map of the borough you have just referred to?—A. Yes, sir.

Q. The breaker of the Thomas Coal Company's colliery is marked upon this map, is it not?—A. Yes, sir; and is sometimes known as the Keeley Run colliery, and so marked on this map as the Keeley Run colliery.

Q. Are not the Thomas Coal Company's houses located on Line street, and between the colliery, as marked on this map, and Main street?—A. Yes, sir.

Q. And you know them to be within the borough limits?—A. Yes, sir; the borough limits, as laid down on these maps, these two—the map of the incorporation of the borough and the one showing its division into wards.

(Witness shown certified copies of the proceedings of the court of quarter sessions of Schuylkill County, dividing the borough of Gilberton into wards.)

Q. Did you make the original draught on file with these proceedings in the office of the clerk of court of quarter sessions referred to?—A. Yes, sir.

Q. Is the Stanton colliery marked upon this map as located upon the ground, or nearly so?—A. Yes, sir.

Q. On which side of the Stanton colliery is the line dividing the west ward and the middle ward, as represented by this map?—A. The line is on the east side of the Stanton colliery.

Q. How near the colliery, as near as you can tell, is the line?—A. My recollection is it is about one hundred feet or less; I am not positive as to the distance.

Q. All that part of the borough west of this line constitutes the west ward, does it not?—A. Yes, sir; all that part of the borough west of this line (east of the Stanton colliery) constitutes the west ward of the borough of Gilberton.

Q. You are acquainted with the borough of Pottsville—with the lines and the lines dividing the wards?—A. Yes, sir; I am the borough surveyor of the borough of Pottsville.

Q. You were present and heard the testimony of Henry Beyerle when he was examined by the incumbent?—A. Yes, sir.

(Incumbent asks the object of this examination.

Contestant's counsel replies that the object is to prove that Henry Beyerle, the witness examined by incumbent, was clearly an illegal voter; that he did not live in the ward in which he voted for the incumbent.

Objected to by the incumbent because, first, it is not rebuttal testimony; second, it is immaterial and irrelevant at this time.)

Q. You heard him testify as to his living in George street and in what part of George street he lived?

(Objected to by the incumbent as irrelevant and immaterial.)

A. He testified he lived in George street, north of Norwegian street, which would be in the northeast ward of the borough of Pottsville.

Q. Is any part of George street in the south ward of the borough of Pottsville, the ward in which Mr. Beyerle testified he had voted?—A. No, sir; it is not.

(Incumbent declines to cross-examine.)

A. B. COCHRAN.

Sworn and subscribed to before me this 3d day of April, 1877.

H. K. WESTON,
Notary Public.

THOMAS KEANE sworn.

Question. You reside in the borough of Pottsville?

(Incumbent asks the object of this examination.

Contestant replies the object to be to show that certain parties voted, who were not assessed, at the election of November 7, 1876.

Objected to by the incumbent as irrelevant and immaterial, and this objection to have the same effect as if stated in full. Also, on the ground that he has not received notice of the intention to call this witness at this time and place.

Contestant's counsel offers in evidence the notices of the examination of the witnesses at this time and place.

Q. Were you the tax-collector for the borough of Pottsville for the year 1875?—A. Yes, sir; for four wards, viz, the middle ward, northeast ward, north ward, and seventh ward.

Q. Turn to the name of James Conohan upon your duplicate in the

north ward.—A. I find no such name on my duplicate for the north ward.

Q. You have your duplicate with you now, and have just examined it, and you do not find the name?—A. Yes, sir; I do find the name James Conohan now.

Q. What does that mark, the word "dead," on the margin signify?—A. I don't know, unless that I was told he was dead, and then found him after.

Q. The taxes were paid?—A. The taxes were paid.

Q. Do you know whether he is an old man or a young man?—A. I don't recollect.

Q. Can you tell us when it was paid?—A. I could not; I kept no memorandum of the dates.

Q. Turn to your duplicate again, and see whether you find the name of Richard Nash?—A. Yes, sir; I do find the name of Richard Nash in the north ward.

Q. Now tell us what that mark, a large letter "O," opposite Nash's name on the margin means.—A. It means that I was going to exonerate him, and he told me not; that he would pay these taxes.

Q. When did he tell you that?—A. He told me at different times, when I used to go to his collect it.

Q. You had also made a mark or a ring around the amount of the taxes opposite Mr. Nash's name; when was that rubbed out?—A. It was rubbed out when I got paid.

Q. Who paid you that tax?—A. To the best of my knowledge, it was his brother John.

Q. When?—A. I think it was a few days before the last November election.

Cross-examined (reserving all exceptions):

Q. At the time this tax of Nash's was paid you gave a receipt for it, did you not?—A. Yes, sir.

Q. Where was that tax paid to you?—A. I think it was at my store, in East Norwegian street.

Q. Tell us, as near as you can, how many days before the last (November) election.—A. I can't exactly tell; may be a few days, may be a few weeks.

THOS. KEANE.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

WILLIAM MULLEN sworn.

(Incumbent objects to the examination of this witness, not having received any notice that he would be called at this time and place, and this objection is to apply to all witnesses whose names appear upon the same notice.

Incumbent's request, contestant's reply, and incumbent's objection are here renewed, with like effect as if stated at large.)

Question. You live in East Norwegian?—Answer. Yes, sir.

Q. Did you vote at the last November election?—A. Yes, sir.

Q. Had you paid a State or county tax within two years before the election (November 7, 1876)?—A. Yes, sir.

Q. What taxes, and for what year?—A. Yes, sir; county taxes for 1874; I was exonerated in 1875.

Q. Did you vote at the election in 1874, when Reilly ran for Congress?

(Objected to as immaterial and irrelevant.)

A. Yes, sir; I think I did.

Q. Tell us whether you had paid the 1874 taxes before that election or after.—A. If I had paid after I couldn't vote. I don't know whether it was before or after. I think it should be before it; that is, the election in 1874. I am voting in the township these thirty-two years.

Cross-examined (reserving all exceptions):

Q. Who did you pay this tax to in 1874?—A. I can't tell who it was.

Q. Did you get a receipt for the tax you paid in 1874?—A. Yes, sir; I think I did, of course.

Q. Have you got that receipt?—A. No; I had all my receipts; when I moved out of the house I lost it.

Q. Did you show that receipt to the election-officers when you voted in 1874?—A. Certainly I did.

Q. Were you challenged in 1874 at the polls?—A. I don't know; I was challenged when Rattigan was running against Comer.

Q. You say that you remember that you voted the year that Mr. Reilly ran (1874)?—A. Yes, sir.

Q. You were not challenged then?—A. No, sir.

Q. Had you any tax-receipt when you voted at the last (November) election?—A. Yes, sir.

(Witness produces tax-receipt dated August 14, 1876—amount fifty cents—for taxes for 1876—county tax; William Comer, collector.)

Q. This is your tax-receipt? (Witness shown receipt.)—A. Yes, sir.

Redirect:

Q. Tell us how many months after you got this receipt that you paid for it.

(Objected to by incumbent because it assumes a fact not proved, and is therefore an improper question.)

A. It was no months at all; it wasn't more than three or four weeks after; it didn't go into months.

Q. How did you pay for it?—A. I had two ways to pay for it. I paid it in money. I might have paid by an order of the road, but I borrowed fifty cents from my sister to pay for it.

Q. I think Mr. Comer told us that he had some dealings with you.

(Objected to because Mr. Comer didn't testify to anything of the kind, and is a mere allegation of counsel, and therefore immaterial and irrelevant.)

A. He had no dealings with me of any kind.

his
WILLIAM + MULLEN.
mark.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

Adjourned until 2.30 p. m: April 3, 1877, at Exchange Hotel.

APRIL 3, 1877—2.30 p. m.

Examination resumed at the Exchange Hotel, pursuant to adjournment from the court-house.

GEORGE MOTZ sworn.

(Incumbent objects to the examination of this witness, having re-

ceived no notice from the contestant of his intention to examine him at this time and place.)

Question. Where do you live?—Answer. In the north ward, borough of Pottsville.

(Incumbent's request, contestant's reply, and incumbent's objection are here renewed, with like effect as if stated at length.)

Q. Did you vote at the last November election?—A. Yes, sir.

Q. Had you paid a State or county tax within two years before that election?—A. No, sir; there was nobody asked me for any tax.

Q. For whom did you vote for Congress at the last November election (November 7, 1876)?

(Objected to, witness not having been proved to be an illegal voter.)

A. I voted for Mr. Reilly.

(Incumbent declines to cross-examine.)

Q. How old are you?—A. I was twenty-seven years old last February.

Cross-examined:

Q. Did you ever have a tax-receipt?—A. No, sir.

Q. Do you know whether anybody paid a State or county tax for you within two years?—A. Not as I know of—to the best of my knowledge.

Q. Can you read or write?—A. I can—middling.

Q. Did you read the ticket you voted last November?—A. No, sir; there were some Democratic parties who came to me and gave me a ticket.

Q. Did you see the name of Mr. Reilly on the ticket?—A. No, sir.

GEORGE MOTZ.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

FREDERICK SMIDLE sworn.

(Incumbent objects to examination of this witness, having received no notice of the intention of contestant to examine him at this time and place.)

Question. Do you live in the north ward, borough of Pottsville?—Answer. Yes, sir.

(Incumbent's request, contestant's reply, and incumbent's objection are here renewed, with same effect as if stated at length.)

Q. How old are you?—A. Twenty-eight next July.

Q. Did you vote at the last November election (November 7, 1876)?—A. Yes, sir; I did.

Q. Have you paid a State or county tax immediately within two years preceding the last November election?—A. I paid for 1874, 1875, and 1876.

Q. Have you got your receipts?—A. Yes, sir; I have.

FRED. SMIDLE.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN J. PARKER sworn.

(Incumbent objects to examination of this witness, no notice having been received of the contestant's intention to examine him at this time and place.

Incumbent's request, contestant's reply, and incumbent's objection are here renewed, with same effect as if stated at length.)

Question. You live in the north ward, borough of Pottsville?—Answer. Yes, sir.

Q. Did you vote at the last election?—A. Yes, sir.

Q. How old are you?—A. I will be twenty-three on the 16th of this month.

Q. Have you paid a State or county tax within two years preceding the last November election?—A. No, sir; I voted on age.

Q. For whom did you vote for Congress at the last November election?—A. For Mr. Reilly, I suppose it was him; the Democratic party gave me the ticket.

(Incumbent declines to cross-examine.)

his
JOHN J. + PARKER.
mark.

Sworn and subscribed to before me this 31 day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

ANDREW HAYES sworn.

(Incumbent offers same objections as to the other witnesses.)

Incumbent's request, contestant's reply, and incumbent's objections are here renewed with the same effect as if stated at length.)

Question. Where do you live?—Answer. In Mill Creek, East Norwegian Township.

Q. Did you vote at the last November election?—A. Yes, sir.

Q. How old are you?—A. About 24; somewheres around there.

Q. Have you paid a State or county tax within two years immediately preceding the last November election?—A. Yes, sir; my brother paid it for me.

Q. Do you know, of your own knowledge, that your brother paid your taxes for you?—A. Yes, sir; he paid his own and mine at the same time.

Q. Were you present when he paid it?—A. No, sir: he was going to pay his own tax and I told him to pay mine.

Q. Have you the receipt here?—A. Yes, sir.

(Witness produces receipt dated November 15, 1875, for county tax for 1875, amount $0.75. Signed William Comer, collector.)

Q. Is that the only tax-receipt you have within two years preceding the election?—A. That's all; I voted on age the year before.

Q. Did you give your brother the money to pay these taxes for you?—A. Well, I gave it to my mother; I suppose he got it from her; at least, that was the calculation.

Q. You mean you give money to your mother from time to time; you always give your money to her?—A. Yes, sir; I generally give her most all of my pay, except what little I want myself.

ANDREW HAYES.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

JOHN FEENEY sworn.

(Incumbent objects for the same reason as given in the previous witnesses.

Incumbent's request, contestant's reply, and incumbent's objections are here renewed with like effect as if stated at length.)

Question. You live in East Norwegian Township?—Answer. Yes, sir.

Q. You voted at the last November election?—A. Yes, sir.

Q. Have you paid a State or county tax within two years preceding immediately the last November election (November 7, 1876)?—A. No, sir; not within two years.

Q. What is your age?—A. As near as I can think, fifty-nine next June.

Q. Whom did you vote for for Congress at the last November election (November 7, 1876)?—A. I voted for James B. Reilly.

(Incumbent declines to cross examine.)

JOHN FEENEY.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

MICHAEL BRENNAN sworn.

(Incumbent objects to examination of this witnsss for the reasons before stated.

Incumbent's request, contestant's reply, and incumbent's objection renewed with like effect as if stated at length.)

Question. What township do you live in?—Answer. East Norwegian Township.

Q. Did you vote in East Norwegian Township last November?—A. Yes, sir.

Q. Had you paid a State or county tax within two years immediately preceding the last November election (November 7, 1876)?—A. Yes, sir; I got a tax-receipt.

(Witness produces receipt.)

Q. From whom and when did you get this receipt?

(Objected to, as the receipt itself shows when and of whom he received it.)

A. From the tax-collector, William Comer, at the spring township election.

Q. At the spring or township election of what year?—A. Of 1876.

Q. Why did you get it on the day of election?—A. I got it that morning.

Q. How did you happen to get it then, and what was the particular object?—A. I wanted to vote, and got it then; I had no other object about it.

(MEM.—The receipt produced is dated in lead-pencil September 14, 1875; the name of Mr. Brennan and the amount of taxes, and the signature of the tax-collector, William Comer, are all in lead-pencil, being county and State taxes for 1874.)

Q. Do you own any property?—A. Yes, sir.

Q. What is it?

(Objected to as immaterial.)

A. A small house and lot.

Q. Is this the only receipt you have for State or county taxes within two years of the last November election?—A. Yes, sir.

Q. Who did you vote for for Congress at the last November election (November 7, 1876)?

(Incumbent objects, because the foregoing testimony proves that the witness is a legal voter.)

A. I voted the full Democratic ticket. I voted for Reilly, I guess. I am sure that I did.

Q. Did you pay that tax on the morning of that spring election of 1876?—A. No, sir; I don't know who paid it.

Q. You don't know, of your own knowledge, whether anybody paid for it?—A. No, sir; I don't know who paid for it; I suppose some one did.

Q. How old are you?—A. About sixty-five, as near as I can tell.

(Incumbent declines to cross-examine.)

his
MICHAEL + BRENNAN.
mark.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

ROBERT ROWE sworn.

(Incumbent objects to examination of this witness for same reason given in examination of previous witnesses.

Incumbent's request, contestant's reply, and incumbent's objections are here renewed as before.)

Question. You live in East Norwegian Township?—Answer. Yes, sir.

Q. Did you vote at the last November election?—A. Yes, sir.

Q. Have you paid a State or county tax within two years of the last November election?

(In answer, witness produces tax-receipt dated August 14, 1876, $0.83, county tax for 1876, signed William Comer, collector.)

Q. When did you get this receipt?

(Incumbent objects, for the receipt will show.)

A. I can't read nor write. The paper shows the day I got it. That's the very day I got it. That's the day I paid for it.

Q. What did you pay for this; how much?—A. Eighty-three cents, I think.

Q. From whom did you get it?—A. From William Comer.

Q. Did you pay money for it?—A. Yes, sir.

(Incumbent declines to cross-examine.)

his
ROBERT + ROWE.
mark.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

GEORGE HARRIS sworn.

(Incumbent objects to examination for same reason as before stated.

Incumbent's request, contestant's reply, and incumbent's objection renewed as before.)

Question. You live in East Norwegian Township?—Answer. Yes, sir; I live in Mill Creek.

Q. Did you vote at the last November election?—A. Yes, sir.

Q. Have you paid a State or county tax within two years before the last November election?—A. I think I did.

Q. If you paid any, when did you pay it?—A. When I got that (referring to receipt) I paid for it.

(Witness produces receipt dated January 21, 1875, for county, school, and road taxes of 1874, $4.84, signed William Comer, collector.)

Q. From whom did you get this receipt?—A. William Comer.

Q. How did you pay that?—A. I paid it in money.

Q. This is the only taxes that you paid within two years of the last November election?—A. In answer witness produces a tax receipt dated September 16, 1876, $1.16, county tax for 1876, signed William Comer, collector.

his
GEORGE + HARRIS.
mark.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

PATRICK CONLIN sworn.

(Incumbent's objections to this witness being examined the same as before.

Incumbent's request, contestant's reply, and incumbent's objections are renewed the same as before.)

Question. Where do you live?—Answer. In East Norwegian Township.

Q. Did you vote at the last November election?—A. Yes, sir.

Q. Have you paid a State or county tax within two years before the last November election?—A. I paid $0.75 to Comer's sister; I couldn't tell just exactly how long ago. There is one receipt I lost. The one I paid to Catharine Comer was before this last spring election. I had it long enough to vote, I believe. Catharine Comer is a sister to William Comer, the tax-collector.

Q. How old are you?—A. I am 64 years of age, going on 65; if I live a few months more I will be 65.

Q. Whom did you vote for for Congress at the last November election (November 7, 1876)?

(Incumbent objects, witness not having been proved an illegal voter.)

A. I voted for Mr. Reilly.

Q. You paid the $0.75 (above referred to) just before the last spring election?—A. Yes, sir.

Q. For what year's taxes was this $0.75 that you paid?—A. I couldn't tell; I wouldn't know one tax-receipt from the other. John Hayes looked at one for 1874, and this must have been for 1875.

(Incumbent declines to cross-examine.)

his
PATRICK + CONLIN.
mark.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

H. K. WESTON,
Notary Public.

Contestant's counsel offers in evidence certified copy of the records of the court of common pleas of Schuylkill County, showing the application and admission to citizenship of Theodore Hellmer, a voter, examined by incumbent, Exhibit H H H H; also certified copies of the records of the court of common pleas of Schuylkill County of the application and admission to citizenship of the following-named persons, to wit, Alfred Kitto, John R. Jones, Enoch Jones, William B. Thomas, James Price, and Thomas Green, all voters and witnesses examined by

the incumbent, marked respectively Exhibits I I I I, J J J J, K K K K, L L L L, M M M M, and N N N N.

Also offer in evidence certified copy of the return of exonerations for taxes for the year 1876, filed in the commissioner's office of Schuylkill County by the collector of State and county taxes for Kline Township.

Also the certified copy of the returns for unpaid or exonerated county and State taxes for Kline Township for the year 1875, Exhibit P P P P.

Also certified copy of the return of unpaid or exonerated county and State taxes for Rahn Township for 1875, Exhibit Q Q Q Q.

Incumbent objects to the last two offers as incompetent, not rebuttal testimony, and requests the commissioner to decide that they shall not be received.

The commissioner decides to receive the offers.

Contestant's counsel also offers in evidence the records of the court of common pleas of Schuylkill County in the matter of the petitions and applications of Charles W. Schnerr and of Hon. George Lear, the attorney-general of the Commonwealth of Pennsylvania, for the cancellation of the certificates of naturalization issued to Owen Conroy, Anthony Murphy, Anthony Carey, Lawrence Gaughen, Lawrence Heffron, Thomas Tallett, Thomas Dougherty, John Conlin, and others therein named, all parties who have been examined in this contest and whose right to vote is questioned in this matter.

Also the records of the court of common pleas of Schuylkill county in the matter of the petition and application of Hon. George Lear, the attorney-general of the commonwealth of Pennsylvania, for the cancellation of the certificates of naturalization issued to Thomas Noon, Michael McGrath, Patrick Carey, Michael Lavin, James Cosgrove, Thomas Gaughan, Patrick Deane, Michael Needham, Anthony Flynn, Julian Czienski, and others, all of whom were examined in this contest, and whose right to vote is questioned in this matter.

Contestant will procure a certified copy of both these records as soon as the matter is finally determined by the court, and forward the same to the Clerk of the House of Representatives at Washington, as part of the testimony of the contestant.

At 5 p. m. adjourned to meet at the court-house at 8.30 p. m.

APRIL 3, 1877—8.30 p. m.

Examination resumed at the court-house.

Counsel for contestant renews his offers of said records of court—offered as above—and here produces, and shows to the notary, in the presence of the incumbent: 1st. The petition of said Charles W. Schnerr filed in said court of common pleas on the 5th day of February, 1877, with the order of court of same date, commanding the persons in said petition named to appear on the 12th of February, 1877, and show cause, if any they have, why the admission to citizenship in their respective cases should not be vacated, and the certificates issued to them canceled.

Also, the return of service of said order upon the parties named in said petition, filed 26th of February, 1877.

Also, two several rules granted by the court to take the depositions of witnesses: the one dated 16th of March, 1876, the other 23th of February, 1876.

Also, the petition and suggestion of Hon. George Lear, attorney-general of said commonwealth, presented to said court of common pleas, and marked "filed 21st of March, 1877," with the order of court made on the same day, commanding the parties named in said petition, viz, Joseph Armsly, Anthony Kilcoyne, Thomas Noon, Michael McGrath,

and others to appear in said court the 26th day of March, and show cause why the admission to citizenship in their respective cases, as appears by the record, should not be vacated, and the certificates issued to them recalled and canceled.

This to be followed with a certified copy of a full record in each case, as soon as the matter is fully determined by said court of common pleas; which certified copies the contestant will forward to the Clerk of the House of Representatives at Washington, as part of his testimony in this matter.

Incumbent objects to the foregoing offer: 1st, because no such record is offered to be produced at this time, and incumbent has no opportunity of examining or inspecting the same, and had no intimation or notice that any such offer would be made. 2nd, because, as appears by said offer, the record proposed is not complete at this time, and the offer is based upon the contingency that it may exist at some time indefinite, and contestant does not, nor cannot state that any such record, even when complete, will be material or relevant to this issue, nor does said record appear to be offered in evidence to be transmitted by the notary together with the other testimony taken by him, and incumbent here protests against the right of said notary to withhold said testimony for any purpose, contrary to the provisions of the act of Congress in such case made and provided; and also protests against his right or power, or the right or power of any other person, to receive and transmit to the Clerk of the House of Representatives at any time after the expiration of the period allowed by law for the taking of testimony in cases of contested elections any papers or evidence whatever in this case; and which said time expires in this case, this day. 3d, because the proceedings offered in evidence are in a collateral matter, to which incumbent was not a party, and of which he had no notice. 4th, because the evidence proposed is incompetent in this issue. 5th, because it is not rebuttal testimony.

Adjourned until 8.30 p. m. April 3, 1877.

APRIL 3, 1877—8.30 p. m.

Examination resumed at the court-house.

(Ballot-box of North Cass election-district produced and reopened.)

Ballot No. 119. On list of voters, No. 119, "Edward Murphy." Reads, "Congress, James B. Reilly."

Ballot No. 31. On list of voters, No. 31, "Henry Barnwick." Reads, "Congress, James B. Reilly."

Ballot No. 43. On list of voters, No. 43, "Patrick Hughes." Ballot reads, "Congress, James B. Reilly."

Ballot No. 93. On list of voters, No. 93, "Pat Murphy." Reads, "Congress, James B. Reilly."

Ballot No. 132. On list of voters, No. 132, "Lawrence Crennan." Reads, "Congress, James B. Reilly."

Ballot No. 133. On list of voters, No. 133, "William Ryan." Reads, "Congress, James B. Reilly."

Ballot No. 29. On list of voters, No. 29, "William Brennan (Rush)." Reads, "Congress, James B. Reilly."

Ballot No. 60. On list of voters, No. 60, "Michael Wade." Reads, "Congress, James B. Reilly."

Ballot No. 138. On list of voters, No. 138, "Thomas Brennan (P.)." Reads, "Congress, James B. Reilly."

Ballot No. 62. On list of voters, No. 62, "William Hunt, age." Reads, "Congress, James B. Reilly."

Ballot No. 59. On list of voters, No. 59, "Richard Henesy." Reads, "Congress, James B. Reilly."

Ballot No. 44. On list of voters, No. 44, "Michael O'Connor." Reads, "Congress, James B. Reilly."

Ballot No. 55. On list of voters, No. 55, "James Purcell." Reads, "Congress, James B. Reilly."

Ballot No. 123. On list of voters, No. 123, "Michael Brennan." Reads, "Congress, James B. Reilly."

Contestant offers in evidence certified copy of list of additional assessments, filed in the office of the county commissioners of Schuylkill County, by the assessor of North Cass election-district, for the year 1876, marked "Exhibit R R R R."

Counsel for incumbent objects to the assessment being given in evidence, not being rebuttal testimony, and therefore incompetent and immaterial.

Contestant closes the testimony at this place.

Incumbent here offers request hereto attached and marked "Exhibit S S S S."

Counsel for contestant objects to the paper being attached to this testimony, 1st. Because it is not a copy of any record or paper offered in evidence either by the contestant or the incumbent. 2d. It is the mere declaration of incumbent of what he intends to do in the further prosecution of this contest, and in effect is, therefore, a mere notice from him and not a matter of evidence; and the contestant objects, having his testimony or the record of his testimony incumbered by attaching the paper presented to it.

All interlineations and erasures made in the taking of the testimony on the said 27th and 28th days of March, A. D. 1877, and on the 2d and 3d days of April, A. D. 1877, were made at the time and before signing of the respective witnesses.

The ballot-boxes of North Manheim election-district, North Cass election-district, north ward of the borough of Tamaqua, south ward of the borough of Tamaqua, the borough of Auburn, South Cass election-district, middle ward of the borough of Gilberton, west ward of the borough of Schuylkill Haven, middle ward of the borough of Ashland, east ward of the borough of Ashland, and East Norwegian Township were severally opened by me, and the ballots as recorded were severally examined by me as they were read off by A. B. Cochran, appointed for that purpose. The list of voters found in the said several ballot boxes were also examined and compared by me with the certified copy of the list of voters in evidence, and proved to correspond in names of voters and numbers; and I found the names of each voter opposite to the numbers, respectively, in each case as recorded.

H. K. WESTON,
Notary Public.

The notary also attaches copy of subpœna marked "Exhibit T T T T."

H. K. WESTON,
Notary Public.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Hiram K. Weston, a notary public duly commissioned by the governor of the commonwealth of Pennsylvania, under the laws thereof, in and for the said county of Schuylkill, and residing at Pottsville, in the thirteenth Congressional district of Pennsylvania, before whom the foregoing evidence was taken, do hereby certify that the foregoing testimony

is the testimony of the several witnesses produced and examined on the part of the contestant, on the several days the examinations bear date; that before said witnesses were examined, they were severally sworn, and that the testimony, together with the questions proposed by the agents or attorneys of the parties, were reduced to writing by me, and duly signed by them respectively, before me, and that the several exhibits hereinbefore referred to, and lettered and numbered, were severally offered in evidence and hereto attached.

Witness my hand and official seal, at Pottsville, in the county of Schuylkill, this third day of April, A. D. one thousand eight hundred and seventy-seven.

[SEAL.]

H. K. WESTON,
Notary Public.

EXHIBIT A A A A.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 20, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, before Hiram K. Weston, esq., a notary public, in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Samuel Garret, in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Tuesday, March 27, A. D. 1877, at nine o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken, at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit: William Sterner, of North Manheim Township, in said county; John Hanney, of Norwegian Township, in said county; William Comer, of East Norwegian Township, in said county; Neal Quinn, of New Castle Township, in said county; N. H. Butz and Daniel Coleman, of the borough of Schuylkill Haven, in said county; D. Leary, of the borough of Saint Clair, in said county; George Krell, of the borough of Tamaqua, in said county; Hugh Martin, Dennis Gilespie, James O'Conner, Hugh O'Donnell, Daniel Sullivan, Patrick Fray, Francis Conlan, Michael Costelo, John Ruddy, Nicholas Rehr, Richard Walsh, all of the borough of Palo Alto, in said county; Jerry Leary, John Glavey, Michael Scanlan, Dennis Bryan, and Thomas Jourdan, all of the borough of Saint Clair, in said county; A. K. Bace, Peter Fasolt, John J. Clark, A. W. Schalck, Daniel McGurl, William Stout, David Brown, Richard Nash, John McCormick, Robert Nesbit, Martin Carroll, James Conahan, and Charles Fisher, all of the borough of Pottsville, in said county; Lewis Blass, one of the commissioners of Schuylkill County, residing in the borough of Girardville, in said county; James Crowe, of Riley Township, in said county.

JAMES L. NUTTING,
By his attorney, WM. R. SMITH.

Hon. JAMES. B. REILLY.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me the subscriber, a notary public in and for said State and county, William R. Bowman, who, being duly sworn, says that on the 21st day of March, 1877, he served the foregoing notice to take depositions upon the said James B. Reilly, by leaving with him, personally, a full, true, and complete copy or duplicate thereof.

WM. R. BOWMAN.

Sworn and subscribed before me this 27th day of March, A. D. 1877.
[SEAL.]

H. K. WESTON,
Notary Public.

EXHIBIT B B B B.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 20, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, before Hiram K. Weston, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Samuel Garrett, in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Tuesday, the 27th day of March, A. D. 1877, at nine o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place, or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit: William H. Leib, J. H. James, Ed. M Monoghan, H. J. Maxwell, and Anthony Lally, all of the middle ward of the borough of Ashland, in said county; John George Wentzel, of West Mahanoy Township, in said county; Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, residing in the borough of Saint Clair, in said county; O. J. Aregood, clerk of the court of quarter sessions of Schuylkill County, residing in the borough of Pottsville, in said county; Adam Hartwig, recorder of deeds, &c., of Schuylkill County, residing in the borough of Tamaqua, in said county; James E. Brennan, Ephraim Davis, and William Mapstone, all of South Cass election-district, in said county; George D. Haughawout, of the borough of Ashland, in said county.

JAMES L. NUTTING,
By his attorney, WM. R. SMITH.

Hon. JAMES B. REILLY.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me, the subscriber, a notary public in and for said State and county, William R. Bowman, who, being duly sworn, says

that on the 21st day of March, 1877, he served the foregoing notice to take depositions upon the said James B. Reilly, by leaving with him, personally, a full, true, and complete copy or duplicate thereof.

WM. R. BOWMAN.

Sworn and subscribed before me this 27th day of March, A. D. 1877.
[SEAL.]

H. K. WESTON,
Notary Public.

EXHIBIT CCCC.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 22, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, before Hiram K. Weston, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Samuel Garrett, in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Wednesday, the 28th day of March, 1877, at nine o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken, at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit: James Carney, of the borough of Ashland, in said county; Patrick Kilcur, of West Mahanoy Township, in said county; Hupert Martin, or Hubert Martin, of the borough of Palo Alto, in said county; Daniel Greenwald, of the borough of Pine Grove, in said county.

J. L. NUTTING.

Hon. JAMES B. REILLY.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me, the subscriber, a notary public in and for said State and county, William R. Bowman, who, being duly sworn, says that, on the 22d day of March, 1877, he served the foregoing notice to take depositions upon the said James B. Reilly, by leaving with him, personally, a full, true, and complete copy or duplicate thereof.

WM. R. BOWMAN.

Sworn and subscribed before me this 27th day of March, A. D. 1877.
[SEAL.]

H. K. WESTON,
Notary Public.

EXHIBIT D D D D.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 22, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, before Seth W. Geer, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Morgan Schwartz, in the borough of Minersville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Wednesday, the 28th day of March, 1877, at 9 o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place, or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit: George Albert, Gotlieb Auba, John Butler, Edward Brady, William Breen, jr., James Brogan, Daniel Brennan, Edward Bradey, Edward Bradley, Henry Betz, Patrick Buggy, George Burke, George Berkes, Patrick Barney, Frank Brady, James Curren, Thomas Carroll, Thomas Carl, Dennis Conly, Martin Colgan, Thomas Carroll, Martin Deegan, Michael Finney, jr., Terrance Farley, Edward Langton, Michael Laffee, William Madden, James Madden, Martin Muldoon, Martin Murphy, Patrick McHale, John Murphy, Patrick Nalty, Thomas Ryan, John Riley, Patrick Riley, Thomas Ward, sr., Thomas Ward, jr.

J. L. NUTTING.

HON. JAMES B. REILLY.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me, the subscriber, a notary public in and for said State and county, William R. Bowman, who, being duly sworn, says that on the 22d day of March, 1877, he served the foregoing notice to take depositions upon the said James B. Reilly, by leaving with him personally, a full, true, and complete copy or duplicate thereof.

WM. R. BOWMAN.

Sworn and subscribed before me this 28th day of March, A. D. 1877.
[SEAL.]

H. K. WESTON,
Notary Public.

EXHIBIT D D D D 1.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 28, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of

contested elections," passed the nineteenth day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, before Hiram K. Weston, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the court-house in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Monday, the 2d day of April, A. D. 1877, at 2 o'clock in the afternoon, and each and every day thereafter, Sundays excepted, until the evidence in such matter shall be taken at said place, or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit: A. B. Cochran and John A. Christian, of the borough of Pottsville in said county; Thomas F. Kerns, prothonotary of the court of common pleas of said Schuylkill County, who has in his custody the ballot-boxes of the several election districts of said county, wherein are deposited the ballots of the persons who voted in said county at the general election held November 7, 1876, and which it is proposed to open and have examined.

JAMES L. NUTTING,
By his attorney, WM. R. SMITH.

Hon. JAMES B. REILLY.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me, the subscriber, a notary public in and for said State and county, William R. Bowman, who, being duly sworn, says that on the 28th day of March, 1877, he served the foregoing notice to take depositions upon the said James B. Reilly, by leaving with him personally, a full, true, and complete copy or duplicate thereof.

WM. R. BOWMAN.

Sworn and subscribed before me this 31st day of March, A. D. 1877.
[SEAL.]
H. K. WESTON,
Notary Public.

EXHIBIT D D D D 2.—*H. K. Weston, Notary Public.*

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 29, 1877.

SIR: You are hereby notified that in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given, before Hiram K. Weston, esquire, a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Samuel Garrett, in the borough of Pottsville, in the county of Schuylkill, in the State of Pennsylvania, and within said

thirteenth Congressional district, in the above matter, on Tuesday, the 3d day of April, A. D. 1877, at nine o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken, at said place, or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit: Jeremiah Lord, Thomas Keane, George Matz, George Motz, John Parker, Frederick Smedley, Henry Unnemacher, all of the borough of Pottsville, in said county; Michael Brennan, Andrew Hays, Thomas Cochlan, John Feeney, William Mullen, George Harris, Robert Row, Patrick Conlin, all of East Norwegian Township, in said county; James Brennan, Edward Brennan, and Michael Lacy, of New Castle Township, in said county.

JAMES L. NUTTING,
By his attorney, WM. R. SMITH.

Hon. JAMES B. REILLY.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me, the subscriber, a notary public in and for said State and county, William R. Bowman, who, being duly sworn, says that on the 29th day of March, 1877, he served the foregoing notice to take depositions upon the said James B. Reilly by leaving with him, personally, a full, true, and complete copy or duplicate thereof.

WM. R. BOWMAN.

Sworn and subscribed before me this 31st day of March, A. D. 1877.
[SEAL].

H. K. WESTON,
Notary Public.

EXHIBIT E E E E.—*H. K. Weston, Notary Public.*

[SEAL.] Among the records and proceedings in the court of quarter sessions in and for the county of Schuylkill, it is thus contained:

Docket for the division of townships, &c., page 138, &c.

SCHUYLKILL COUNTY, *ss:*

At a court of quarter sessions of the peace in and for the county of Schuylkill, held at Pottsville, in and for said county, on the 3d day of July, A. D. 1876, before the judges of the same court, upon the petition of sundry inhabitants of the borough of Gilberton, in said county, the court appoint Nicholas Fox, Lewis C. Dougherty, and A. B. Cochran commissioners to view and divide the borough of Gilberton into two wards, as said commissioners shall deem said division expedient.

The commissioners aforesaid are to inquire into the propriety of dividing said borough into two wards, and to make report of their proceedings therein, together with their opinion of the same, to the next court of quarter sessions.

Whereupon the court, upon due consideration had in the premises, do order and appoint said commissioners, who are to give notice to the inhabitants of said borough of the time and place of meeting, by ten written or printed notices put up in the most public places in said borough of Gilberton at least five days before the time of their meeting. And having been duly sworn or affirmed according to law to perform

their duties with fidelity, are to inquire into the propriety of granting the prayer of the petition.

And the said commissioners, or any two of them, are further directed to make a plat or draught of said borough, and of the lines of the proposed new wards to be laid off. All of which the said commissioners, or any two of them, shall report to our next court of quarter sessions, together with their opinion of the same, and of the propriety of granting the prayer of the petition.

By the court.

To the honorable the judges of the court of quarter sessions of the peace in and for said county:

The undersigned, commissioners appointed by your honors to view and divide the borough of Gilberton into two wards, &c., respectfully report, that after giving due and legal notice to the inhabitants of the said borough of the time and place of meeting, and having been duly sworn according to law, they met at the public house of Frank McKeon on the 22d day of August, A. D. 1876, at ten o'clock in the forenoon.

That they are of opinion, after careful inquiry and view, that the said borough should be divided into three wards as a convenience and necessity to the inhabitants thereof.

That being satisfied of the propriety of such division, and in pursuance of said appointment, which is hereto annexed, your commissioners did divide the said borough into three wards, to be designated and called the east ward, the middle ward, and the west ward, and they herewith submit a map or plan of said borough, showing such division.

That all that portion of said borough lying east of the red line in said plan, which is seventy-four perches east of and parallel to the west line of the Conrad Mertz tract, shall constitute the east ward.

All that portion of the said borough lying between the two red lines on said plan shall constitute the middle ward.

And all that portion lying west of the western red line on said plan, which is one hundred and forty perches west and parallel to the western line of the Conrad Mertz tract, which line is also the eastern line of the George Flower tract, shall constitute the west ward.

Witness our hands this second day of September, anno Domini one thousand eight hundred and seventy-six.

NICHOLAS FOX.
A. B. COCHRAN.
LEWIS C. DOUGHERTY.

3d July, 1876, commissioners appointed. 4th September, 1876, report filed. 9th September, 1876, confirmed.

SCHUYLKILL COUNTY, *ss:*

I, O. J. Aregood, clerk of the court of quarter sessions of the peace in and for the county of Schuylkill, do hereby certify that the foregoing writing is a full, true, and correct copy of the proceedings in the matter of the division of the borough of Gilberton into three wards, so full and entire as the same remains of record in said court.

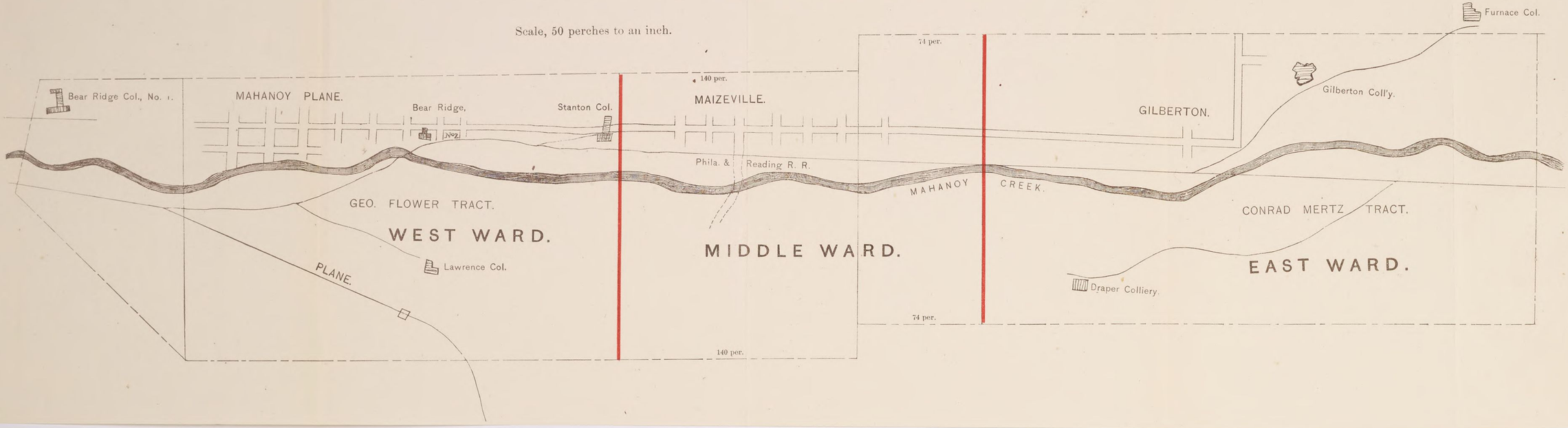
In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Pottsville, this twenty-fourth day of March, anno Domini one thousand eight hundred and seventy-seven.

[SEAL.]

O. J. AREGOOD,
Clerk of Sessions.

Borough of GILBERTON, showing division into Wards.

Scale, 50 perches to an inch.



their duties with fidelity, are to inquire into the propriety of granting the prayer of the petition.

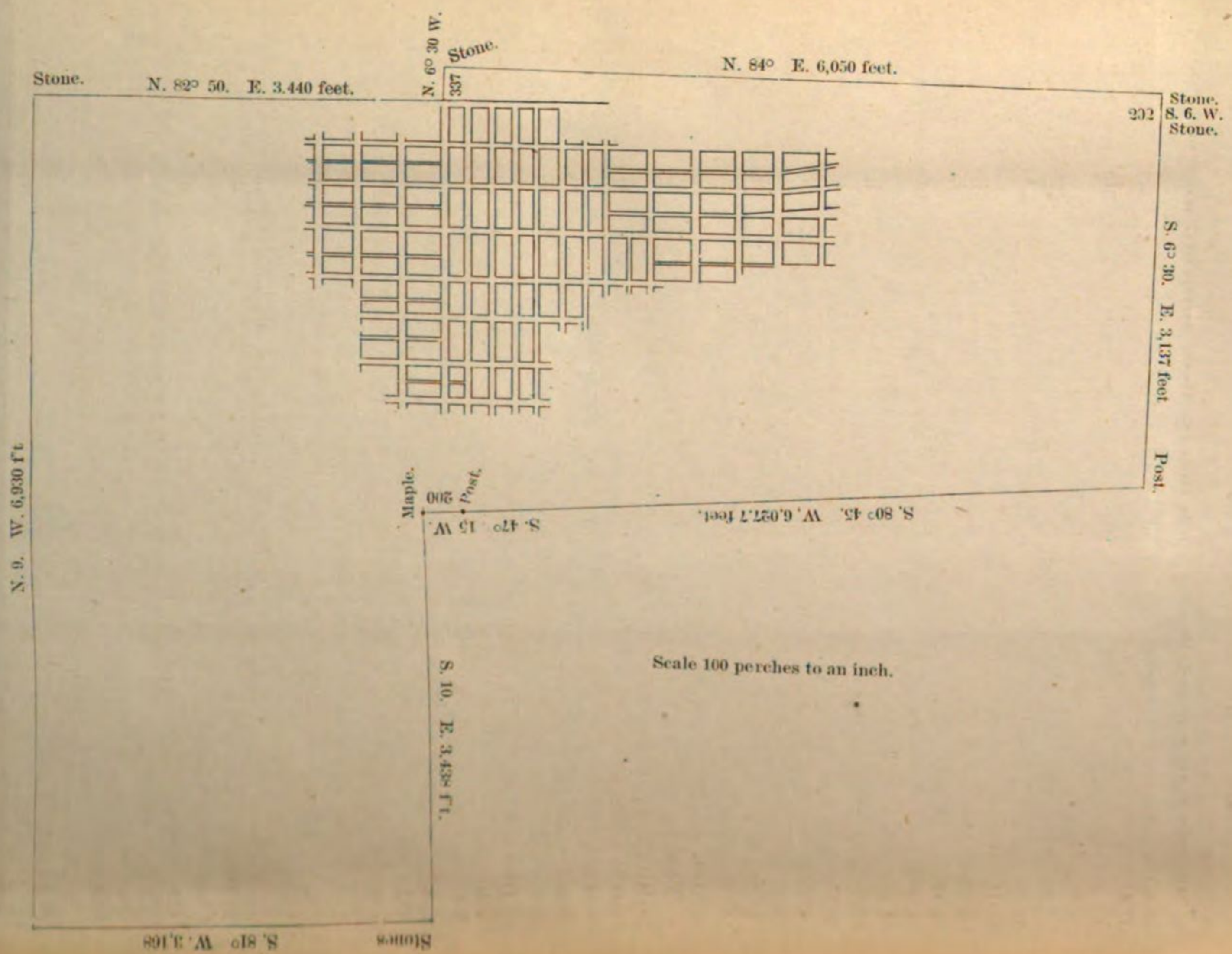
And the said commissioners, or any two of them, are further directed to make a plat or draught of said borough, and of the lines of the proposed new wards to be laid off. All of which the said commissioners, or any two of them, shall report to our next court of quarter sessions, together with their opinion of the same and of the propriety of granting the

and entire as the same remains of record in said court.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Pottsville, this twenty-fourth day of March, anno Domini one thousand eight hundred and seventy-seven.

[SEAL.]

O. J. AREGOOD,
Clerk of Sessions.



Scale 100 perches to an inch.

EXHIBIT F F F F.—*H. K. Weston, Notary Public.*

To the honorable the court of quarter sessions of Schuylkill County:

The petition of the undersigned inhabitants of Shenandoah, in said county of Schuylkill, respectfully represent that the said town contains a collection of houses, built after a regular plan in regard to streets and alleys, and that the petitioners reside within the limits thereof, as hereinafter set forth, and that they are desirous that the said town should be incorporated by the style and title of the borough of Shenandoah, according to the following boundaries:

Beginning at a stone; thence north eighty-two degrees fifty-nine minutes east thirty-four hundred and forty feet; thence north six and one half degrees west three hundred and thirty-seven feet, to a stone-pile; thence north eighty-four degrees east sixty hundred and fifty feet, to stones; thence south six degrees west two hundred and two feet; thence south six degrees and one-half east thirty-one hundred and seventy-three feet, to a post; south eighty and three-quarters degrees west sixty hundred and thirty-seven and seven-tenths feet, to a post; thence south seventy-seven and one-quarter degrees west two hundred feet, to a maple; thence south ten degrees east thirty-four hundred and thirty-eight and six-tenths feet, to a stone; thence south eighty-one degrees west thirty-one hundred and sixty-eight feet; thence north nine degrees west sixty-nine hundred and thirty feet, to the place of beginning, a plot of which is hereunto annexed.

The petitioners further represents that they are a majority of the freeholders residing within said limits; they therefore pray the court to cause this their application to be laid before the grand jury of said county, and if a majority of said grand , after full investigation, shall certify to the court that the provisions of the act of assembly in such case made and provided have been complied with, and that it is expedient to grant the prayer of the petitioners, that the court will confirm said judgment, and that upon compliance with the several conditions required in said act of assembly, the said town of Shenandoah may thenceforth be deemed an incorporated borough, by the style and title aforesaid, entitled to all the rights and immunities and privileges provided in said act of assembly; and they will ever pray, &c.

Seymore Wright	George A. Herring	J. F. Menogue
W. T. Beach, M. D.	S. D. Hess	Philip Haman
Bartholomew Dillinan	Daniel Ellis	Anthony Meley
O. P. Hart	Christian Young	John Meley
Samuel Waetman	Jonas Reichard	Edward Chambers
Thomas Wagur	Peter Gaul	John Jennings
George W. Smith	Henry Reinert	James Brennan
Philip Moyer	Moses Moyer	Wm. Grant
David Shappell	Charles Heidegger	Wilter Gibbs
Jonathan Poor	Daniel Sturm	P. F. Collins
Charles C. Thompson	his	Thomas Dougherty
William Hill	Michael + Bradigan	J. F. Pfuple
L. Pfeilstecker	mark.	Henry L. Freus
R. Wright	John Bradigan	Charles W. Smith
John G. Neps	Joseph Munnwey	Fred. Wright
Henry Reynert	Jno. August Mittelstaat	Jno. F. Murphy
C. J. Heller	John Short	A. R. Leonard
Geo. Bittenbender	Wm. H. Hutton	Wm. O'Keeffe
Richard Herrington	Anthony Dentz	Lee, Grant & Co.

Thos. Egan	Nathan Largenberger	Austin Cenes
Michael Peters	Neil Devitt	James Barry
Frk. Hauser	Anthony Devers	Edward Lyons
J. C. Purcell	Anthony McNaulty	Patrick Loughlin
John Coho	John Tool	Miles Gilbert
Linus P. McDermott	Peter Weaver	Patrick Morrison
Jefferson B. Newhart	Laurence Higgans	Anthony Beans
Henry H. Brum	John Wallace	Anthony Flynn
John Hermbery	John O'Donnell	Martin Scanlin
Michael Peter	Patrick Maley	John Scanlin
S. R. McCroken	James McCree	William Burke
Peter Ward	Edward O'Donnell	Thomas Burke
Edward Evans	James Doyle	Bartholomew Healy
John Davis	John Killean	Patrick Ronnan
P. J. Furguson	Tom Mealy	Michael Welsh

And now, to wit, September 8, 1865, at a regular court of quarter sessions of Schuylkill County, the within application being laid before the grand jury, the said grand jury do hereby certify that, after a full investigation of the case, they do find that the conditions prescribed by the act of assembly, relating to the incorporation of boroughs, have been complied with, and believe it expedient to grant the prayer of the petitioners.

Approved September 9, 1875.

JAMES TAGGART, *Foreman.*

January 16, 1866. Approved, and directed to be recorded.
By the court.

CHAS. A. RAHN,
Clerk Sessions.

Recorded and examined January 16, 1866.

DENNIS MAHER, *Recorder.*

SCHUYLKILL COUNTY, *ss:*

I, Adam Hartwig, recorder of deeds, &c., in and for said county, do certify that the writing contained on the foregoing five pages of this paper is a true and correct copy of the charter of the borough of Shenandoah, so full and entire as the same now remains of record in this office, in Miscellaneous Book No. 10, page 560, &c.

Witness my hand and official seal, at Pottsville, this 20th day of March, A. D. 1877.

[SEAL.] ADAM HARTWIG,
Recorder.

EXHIBIT G G G G.—*H. K. Weston, Notary Public.*

[SEAL.] Among the records and proceedings in the court of quarter sessions in and for the county of Schuylkill, it is thus contained:

Docket for the division of townships, &c., page 131.

SCHUYLKILL COUNTY, *ss:*

At a court of quarter sessions of the peace in and for the county of Schuylkill, held at Pottsville, in and for said county, on the 28th day of June, A. D. 1875, before the judges of the same court, upon the petition of sundry inhabitants of the borough of Shenandoah, in said county,

the court appoint M. P. Fowler, Michael Beard, and D. E. Nice commissioners to view and divide the borough of Shenandoah into wards as said commissioners shall deem said division expedient.

The commissioners aforesaid are to inquire into the propriety of dividing said borough into wards, and to make report of their proceedings therein, together with their opinion of the same, to the next court of quarter sessions.

Whereupon the court, upon due consideration had in the premises, do order and appoint said commissioners, who are to give notice to the inhabitants of said borough of the time and place of meeting, by ten written or printed notices, put up in the most public places in said borough of Shenandoah, at least five days before the time of their meeting. And having been duly sworn or affirmed according to law to perform their duties with fidelity, are to inquire into the propriety of granting the prayer of the petition.

And the said commissioners, or any two of them, are further directed to make a plot or draught of said borough and of the lines of the proposed new wards to be laid off, all of which the said commissioners, or any two of them, shall report to our next court of quarter sessions, together with their opinion of the same, and of the propriety of granting the prayer of the petition.

By the court.

CHAS. F. RAHN,
Clerk Sessions.

To the honorable the judges of the court of quarter sessions of the peace in and for the county of Schuylkill:

We, the undersigned, commissioners appointed by the court of quarter sessions of the peace in and for the county of Schuylkill for the purpose of inquiring into the propriety of dividing the borough of Shenandoah into wards, do respectfully report:

That, in pursuance thereof, having given due and legal notice of the time and place of meeting, and having been duly sworn and affirmed, we met in the said borough of Shenandoah, on the 27th day of July, A. D. 1875, and having viewed said borough, do agree that there is a necessity of dividing the said borough into five wards, and having had respect to the number of inhabitants contained in said borough, and the voting population thereof, we have made such a division as will most equally divide the said voting population.

Your commissioners therefore have agreed to divide said borough into five wards to be called the first, second, third, fourth, and fifth wards, respectively.

Your commissioners are of the opinion that the said divisions should be made as follows, viz:

The first ward to contain all that portion of the said borough situate within the following described limits, to wit: Beginning at northeast corner of the borough; thence along the east and south lines of the borough to a point in line with the middle of Main street; thence northwardly along Main street to the Lehigh Valley Railroad; thence northeastwardly along said railroad to the middle of Center street; thence westwardly along Center street to the middle of White street; thence along White street northwardly to the north line of the borough, and thence eastwardly along said borough line to the place of beginning.

Second ward to contain all that portion of the said borough situate within the following described limits, to wit: Beginning at a point in

the north line of the borough in line with the middle of White street; thence along said street southwardly to the middle of Center street; thence eastwardly to the Lehigh Valley Railroad; thence southwardly along said railroad to the middle of Main street; thence northwardly along said street to the north line of the borough; thence along it eastwardly to the place of beginning.

Third ward to contain all that portion of the said borough situate within the following described limits, to wit: Beginning at a corner of the borough in line with the west side of West street (also claimed as the northwest corner of the William Jones tract); thence along said street southwardly to the south line of the borough; thence eastwardly along said line to a point in line with the middle of Main street; thence northwardly along said line and the middle of Main street to the north line of the borough, and thence westwardly along said borough line to the place of beginning.

Fourth ward to contain all that portion of the said borough situate within the following described limits, to wit: Beginning at a point in the middle of Center street and the west side of West street; thence westwardly along said Center street to the west line of the borough; thence northwardly along said line to the northwest corner of the borough; thence along the north line of the borough eastwardly to a corner in line with the west side of West street, and thence southwardly along said street to the place of beginning.

Fifth ward to contain all that portion of the said borough situated within the following described limits, to wit: Beginning at a point in the middle of Center street and the west side of West street; thence along the west side of said street to the south line of the borough; thence along said line, westwardly about 200 feet to a corner of the borough; thence along the southeastern, southern and western lines of the borough to the middle of Center street; thence eastwardly along said street to the place of beginning. All of which said division, with the courses and distances, is more clearly shown on the plot or map of said borough, which is hereto annexed and made part of this report.

M. P. FOWLER.
D. E. NICE.
MICHAEL BEARD.

June 28, 1875, commissioners appointed; September 6, 1875, report filed; November 1, 1875, confirmed.

SCHUYLKILL COUNTY, *ss:*

I, O. J. Aregood, clerk of the court of quarter sessions of the peace in and for the county of Schuylkill, do hereby certify that the foregoing writing is a full, true, and correct copy of the proceedings in the matter of the division of the borough of Shenandoah into five wards, so full and entire as the same remains of record in said court.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at Pottsville, this twenty-fourth day of March, anno Domini one thousand eight hundred and seventy-seven.

[SEAL.] O. J. AREGOOD.
Clerk Sessions.

EXHIBIT H H H H.—*H. K. Weston, Notary Public.*

STATE OF PENNSYLVANIA, *Schuylkill County, ss:*

Be it remembered, that at a court of common pleas, held at Pottsville, in and for the county of Schuylkill, the seventeenth day of Sep-

Stones.

Stone. N. 82° 50′ E. 3440 feet.

N. 84° E. 6050 feet. Stone.

Stone. S. 6° W. 207

S. 6° 30′ E. 3175 feet.

Post.

S. 80° 45′ W. 6037.7 feet.

N. 9° W. 69° 0′.

S. 31° W. 3163 feet.

S. 10° E. 3438⅙ feet.

FIFTH WARD.

FOURTH WARD.

FIRST WARD

SECOND WARD

THIRD WARD

WILLIAM JONES TRACT.

SARAH MOORE TRACT.

LINE STREET.

COAL STREET.

LLOYD STREET.

CENTRE STREET

OAK STREET

CHERRY STREET.

POPLAR STREET.

LAUREL STREET.

CATHARINE STREET.

WEST STREET.

JARDEN STREET.

MAIN STREET.

WHITE STREET.

BOWERS STREET.

EMERICK STREET.

UNION STR.

BRIDGE ST.

CREEK ST.

PLANK ST.

RIDGE ST.

Kehley Run Coll'y.

Lehigh Valley Railroad.

Shenandoah Creek.

Indian Ridge Colliery.

Plank Ridge Colliery.

Kohinoor Colliery.

West Shenandoah Colliery.

Shenandoah City Colliery.

Philadelphia and Reading R. R

Centennial Colliery.

Shenandoah Creek.

Turkey Run Colliery.

Road.

Furnace Colliery.

S. 77½ W. 200 ft.

Maple.

MAP

OF THE

BOROUGH OF SHENANDOAH,

Schuylkill County, Penn.

Scale, 400 feet per inch.

tember, in the year of our Lord one thousand eight hundred and sixty, personally appeared Theodore Hellmer before the said court, who, upon his solemn oath, did depose and say that he is a native of Saxe Coburg, now residing in the county of Schuylkill, age 31 years, or thereabouts, and that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state and sovereignty whatsoever, and particularly to the Grand Duke of Saxe Coburg, of whom he was before a subject.

In testimony whereof I have hereunto set my hand, and affixed the seal of the said court, at Pottsville, the seventeenth day of September, in the year of our Lord one thousand eight hundred and sixty.

DAN'L H. SHOENER,
Prothonotary.

To the honorable the judges of the court of common pleas of the county of Schuylkill:

The petition of Theodore Hellner, a native of Saxe Coburg, respectfully showeth:

That your petitioner is a free white person, and an alien, and is desirous of becoming a citizen of the United States of America; that in pursuance of an act of Congress entitled "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject," and the supplement thereto, he made a declaration of his intention to become a citizen of the United States, before the said court of common pleas, on the seventeenth day of September, A. D. one thousand eight hundred and sixty, a certificate whereof is hereunto annexed; and that he has resided within the limits and under the jurisdiction of the United States for five years last past, and for one year last past within the State of Pennsylvania; that he has never borne any hereditary title, or been any of the orders of nobility in the kingdom whence he came or elsewhere. He therefore prays he may be admitted to become a citizen of the United States.

THEODOR HELLMANN.

John Henry Hoffman, a citizen of the United States, being duly sworn according to law, saith that he is well acquainted with the above-named petitioner, and that to his knowledge and belief he has resided within the limits and under the jurisdiction of the United States for five years last past, and for one year last past within the State of Pennsylvania; that during the same period he has behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well-disposed to the good order and happiness of the same.

JOHN HENRY HOFFMAN.

Sworn and subscribed in open court, the first day of June, A. D. 1863.

CHAS. FRAILEY,
Prothonotary.

I, Theodore Hellner, the above-named petitioner, do, on my solemn oath, declare that the contents of my petition are true; that I will support the Constitution of the United States; that I do hereby renounce and relinquish any title or order of nobility to which I am, or hereafter may be entitled; and that I do absolutely and entirely renounce and abjure

all allegiance and fidelity to any foreign prince, potentate, state and sovereignty whatever, and particularly to the Grand Duke of Saxe Coburg, of whom I was before a subject.

THEODOR HELLMANN.

Sworn and subscribed in open court, the 1st day of June, A. D. 1863.

CHAS. FRAILEY,
Prothonotary.

Index docket.

Names.	Country.	Vouchers.	Application.	Admission.
Theodore Hellmer	Saxe Coburg	John Henry Hoffman .	Sept. 17, 1860	June 1, 1863

STATE OF PENNSYLVANIA,
Schuylkill County, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of the petition and admission to citizenship of Theodore Hellmer, so full and entire as the same now remain of record and on file in said court.

In witness whereof I have hereunto set my hand and affixed the seal of the said court this thirty-first day of March, A. D. one thousand eight hundred and seventy-seven.

[SEAL.]

THOS. F. KERNS,
Prothonotary.

EXHIBIT IIII.—*H. K. Weston, Notary Public.*

STATE OF PENNSYLVANIA,
Schuylkill County, ss:

Be it remembered that at a court of common pleas held at Pottsville in and for the county of Schuylkill, the twenty-second day of June, in the year of our Lord one thousand eight hundred and seventy-four, personally appeared Alfred Kitto before the said court, who, upon his solemn oath, did depose and say that he is a native of England, now residing in the county of Schuylkill, aged twenty-six years, or thereabouts, and that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court at Pottsville, the twenty-second day of June, in the year of our Lord one thousand eight hundred and seventy-four.

HIRAM MOYER,
Prothonotary.

To the honorable the judges of the court of common pleas of Schuylkill County.

The petition of Alfred Kitto, a native of England, respectfully showeth:

That your petitioner is a free white person and an alien, and is desirous of becoming a citizen of the United States of America; that in pursuance of an act of Congress entitled "An act to establish a uniform rule of naturalization and to repeal the act heretofore passed on that subject,"

and the suppleiment thereto, he made a declaration of his intention to become a citizen of the United States before the prothonotary of the court of common pleas on the twenty-second day of June, A. D. one thousand eight hundred and seventy-four, a certificate whereof is hereunto annexed, and that he has resided within the limits and under the jurisdiction of the United States for five years last past, and for one year last past within the State of Pennsylvania; that he has never borne an hereditary title or been of any of the orders of nobility in the kingdom whence he came, or elsewhere. He therefore prays he may be admitted to become a citizen of the United States.

ALFRED KITTO.

Louis Blass, a citizen of the United States, being duly sworn according to law, saith that he is well acquainted with above-named petitioner, and that, to his knowledge and belief, he has resided within the limits and under the jurisdiction of the United States for five years last past, and for one year last past within the State of Pennsylvania; that during the same period he has behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

LOUIS BLASS.

Sworn and subscribed in open court the 30th day of June, A. D. 1876.

THOS. F. KERNS,
Prothonotary.

I, Alfred Kitto, the above-named petitioner, do on my solemn oath declare that the contents of my petition are true; that I will support the Constitution of the United States; that I do hereby renounce and relinquish any title or order of nobility to which I am or may hereafter be entitled; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatever, particularly to Victoria, Queen of Great Britain and Ireland, of whom I was before a subject.

ALFRED KITTO.

Sworn and subscribed in open court the 30th day of June, A. D. 1876.

THOS. F. KERNS,
Prothonotary.

Index docket.

Names.	Country.	Vouchers.	Application.	Admitted.
Alfred Kitto	England	Louis Blass.....	June 22, 1874	June 30, 1876.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, do hereby certify that the foregoing is a true and correct copy of the petition and admission to citizenship of Alfred Kitto, so full and entire as the same now remain of record and on file in said court.

In witness whereof I have hereunto set my hand and affixed the seal of the said court this thirty-first day of March, one thousand eight hundred and seventy-seven.

[SEAL.]

THOS. F. KERNS,
Prothonotary.

EXHIBIT J J J J.—*H. K. Weston, Notary Public.*

To the honorable the judges of the court of common pleas of Schuylkill County.

The petition of John R. Jones, a native of Wales, respectfully showeth:

That your petitioner is a free white persons and an alien, and is desirous of becoming a citizen of the United States of America; that he has resided in the United States three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that, including the aforesaid three years of his minority, he has resided within the limits and under the jurisdiction of the United States five years and upward; that your petitioner has been during all that time attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, and that it has been *bona fide* his intention to become a citizen thereof.

Your petitioner therefore pays your honorable court that, upon taking proof of all matters and things set forth in his petition, and complying with the requisitions of the acts of Congress on this subject, he may be admitted to become a citizen of the United States.

his
JOHN + R. JONES.
mark.

Richard Edwards, a citizen of the United States, being duly sworn, doth say that the above-named petitioner, with whom this deponent is well acquainted, has resided within the limits and under the jurisdiction of the United States for three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that, including the said three years of the minority of the said petitioner, he, the said petitioner, has resided in the United States five years and upward; that during the last three years thereof it has been, to the best of the deponent's knowledge and belief, the *bona-fide* intention of the said petitioner to become a citizen of the United States; that during all that time he, the said petitioner, has behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

RICHARD EDWARDS.

Sworn and subscribed in open court the 20th day of July, A. D. 1874.

———— ————,
Prothonotary.

PENNSYLVANIA,
Schuylkill County, ss:

Be it remembered that at a court of common pleas held at Pottsville, in and for the county of Schuylkill, the twentieth day of July, in the year of our Lord one thousand eight hundred and seventy-four, personally appeared John R. Jones before the said court, who, upon his solemn , did depose and say that he is a native of Wales, now residing in the county of Schuylkill, aged thirty-eight years or thereabouts, and that it is his bona fide intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and par-

ticularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject.

his
JOHN + R. JONES.
mark.

Sworn and subscribed in open court the 20th day of July, A. D. 1874.

———— ————,
Prothonotary.

I, John R. Jones, the above-named petitioner, do, on my solemn oath, declare that the contents of my petition are true; that I will support the Constitution of the United States; that I do hereby renounce and relinquish any title or order of nobility to which I am or may hereafter be entitled; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatever, particularly to Victoria, Queen of Great Britain and Ireland, of whom I was before a subject.

————— ————.

Sworn and subscribed in open court this 20th day of July, A. D. 1874.

———— ————,
Prothonotary.

Index docket.

Name.	Country.	Voucher.	Date.	Admission.
John R. Jones	Wales	Richard Edwards	July 20, 1874	July 20, 1874

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of the petition and admission to citizenship of John R. Jones, so full and entire as the same now remain of record and on file in the said court.

In witness whereof I have hereunto set my hand and affixed the seal of the said this thirty-first day of March, A. D. one thousand eight hundred and seventy-seven.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT K K K K.—*H. K. Weston, Notary Public.*

To the honorable the judges of the court of common pleas of Schuylkill County:

The petition of Enoch Jones, a native of Wales, respectfully showeth:

That your petitioner is a free white person and an alien, and is desirous of becoming a citizen of the United States of America; that he has resided in the United States three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that, including the aforesaid three years of his minority, he has resided within the limits and under the jurisdiction of the United States five years and upwards; that your petitioner has been, during all that time, attached to the principles of the Constitution of the United

States, and well disposed to the good order and happiness of the same, and that it has been bona fide his intention to become a citizen thereof.

Your petitioner therefore prays your honorable court that, upon taking proof of all matters and things set forth in his petition and complying with the requisitions of the acts of Congress on this subject, he may be admitted to become a citizen of the United States.

his
ENOCH + JONES.
mark.

Michael P. Lenohan, a citizen of the United States, being duly sworn, doth say that the above-named petitioner, with whom this deponent is well acquainted, has resided within the limits and under the jurisdiction of the United States for three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that, including the said three years of the minority of the said petitioner, he, the said petitioner, has resided in the United States five years and upwards; that during the last three years thereof it has been, to the best of the deponent's knowledge and belief, the bona fide intention of the said petitioner to become a citizen of the United States; that during all that time he, the said petitioner, has behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

M. P. LENOHAN.

Sworn and subscribed in open court the 5th day of October, A. D. 1872.

W. J. MATZ,
Prothonotary.

PENNSYLVANIA, *Schuylkill County, ss:*

Be it remembered that a court of common pleas held at Pottsville, in and for the county of Schuylkill, the 5th day of October, in the year of our Lord one thousand eight hundred and seventy-two, personally appeared Enoch Jones before the said court, who upon his solemn oath did depose and say that he is a native of Wales, now residing in the county of Schuylkill, aged twenty-nine years, or thereabouts, and that it is his bona fide intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject.

his
ENOCH + JONES.
mark.

Sworn and subscribed in open court the 5th day of October, A. D. 1872.

W. J. MATZ,
Prothonotary.

I, Enoch Jones, the above-named petitioner, do, on my solemn oath, declare that the contents of my petition are true; that I will support the Constitution of the United States; that I do hereby renounce and relinquish any title or order of nobility to which I am or may hereafter be entitled; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, and sover-

eignty whatever, particularly to Victoria, Queen, &c., of whom I was before a subject.

his
ENOCH + JONES.
mark.

Sworn and subscribed in open court this 5th day of October, A. D. 1872.

W. J. MATZ,
Prothonotary.

Index docket.

Name.	Country.	Voucher.	Date.	Admission.
Enoch Jones.....	Wales	Michael P. Lenahan.....	Oct. 5, 1872	Oct. 5, 1872

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of the petition and admission to citizenship of Enoch Jones, so full and entire as the same now remain of record and on file in the said court.

In witness whereof I have hereunto set my hand and affixed the seal of the said court this 31st day of March, A. D. 1877.

THOS. F. KERNS,
Prothonotary.

EXHIBIT L L L L.—*H. K. Weston, Notary Public.*

STATE OF PENNSYLVANIA,
Schuylkill County, ss:

Be it remembered, that at a court of common pleas held at Pottsville, in and for the county of Schuylkill, the 19th day of May, in the year of our Lord 1873, personally appeared William B. Thomas before the said court, who upon his solemn oath did depose and say that he is a native of Wales, now residing in the county of Schuylkill, aged twenty-eight years, or thereabouts, and that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court, at Pottsville, the 19th day of May, in the year of our Lord one thousand eight hundred and seventy-three.

HIRAM MOYER,
Prothonotary.

To the honorable the judges of the court of common pleas of Schuylkill County:

The petition of William B. Thomas, a native of Wales, respectfully showeth:

That your petitioner is a free white person and an alien, and is desirous of becoming a citizen of the United States of America; that in pursuance of an act of Congress entitled "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject" and the supplement thereto, he made a declaration of his in-

tention to become a citizen of the United States, before the common pleas court of Schuylkill County, on the 19th day of May, A. D. one thousand eight hundred and seventy-three, a certificate whereof is hereunto annexed; and that he has resided within the limits and under the jurisdiction of the United States for five years last past, and for one year last past within the State of Pennsylvania; that he has never borne an hereditary title or been of any of the orders of nobility in the kingdom whence he came or elsewhere. He therefore prays he may be admitted to become a citizen of the United States.

WILLIAM B. THOMAS.

John James, a citizen of the United States, being duly sworn according to law, saith that he is well acquainted with above-named petitioner, and that, to his knowledge and belief, he has resided within the limits and under the jurisdiction of the United States for five years last past, and for one year last past within the State of Pennsylvania; that during the same period he has behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

JOHN JAMES.

Sworn and subscribed in open court the 12th day of January, A. D. 1876.

THOS. F. KERNS,
Prothonotary.

I, William B. Thomas, the above-named petitioner, do on my solemn oath declare that the contents of my petition are true; that I will support the Constitution of the United States; that I do hereby renounce and relinquish any title or order of nobility to which I am or may hereafter be entitled; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatever, particularly to Victoria, Queen of Great Britain and Ireland, of whom I was before a subject.

WILLIAM B. THOMAS.

Sworn and subscribed in open court the 12th day of January, A. D. 1876.

THOS. F. KERNS,
Prothonotary.

Index docket.

Name.	Country.	Voucher.	Application.	Admitted.
William B. Thomas	Wales	John James.....	May 19, 1873	Jan. 12, 1876

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of the petition and admission to citizenship of William B. Thomas, so full and entire as the same now remain of record and on file in said court.

In witness whereof I have hereunto set my hand and affixed the seal of the said court this 31st day of March, A. D. 1877.

[SEAL.] THOMAS F. KERNS,
Prothonotary.

EXHIBIT M M M M.—*H. K. Weston, Notary Public.*

To the honorable the judges of the court of common pleas of Schuylkill County:

The petition of James Price, a native of Wales, respectfully showeth:

That your petitioner is a free white person and an alien, and is desirous of becoming a citizen of the United States of America; that he has resided in the United States three years next preceding his arriving at the age of twenty-one years and has continued to reside therein until this time; that, including the aforesaid three years of his minority, he has resided within the limits and under the jurisdiction of the United States five years and upwards; that your petitioner has been, during all that time, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, and that it has been bona fide his intention to become a citizen thereof.

Your petitioner therefore prays your honorable court that, upon taking proof of all matters and things set forth in his petition and complying with the requisitions of the acts of Congress on this subject, he may be admitted to become a citizen of the United Statesl

JAMES PRICE.

Jesse Wyatt, a citizen of the United States, being duly sworn, doth say that the above-named petitioner, with whom this deponent is well acquainted, has resided within the limits and under the jurisdiction of the United States for three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein until this time; that, including the said three years of the minority of the said petitioner, he, the said petitioner, has resided in the United States five years and upwards; that during the last three years thereof it has been, to the best of the deponent's knowledge and belief, the bona fide intention of the said petitioner to become a citizen of the United States; that during all that time he, the said petitioner, has behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

JESSE WYATT.

Sworn and subscribed in open court the 18th day of September, A. D. 1876.

THOS. F. KERNS,
Prothonotary.

PENNSYLVANIA,
Schuylkill County, ss:

Be it remembered that a court of common pleas held at Pottsville, in and for the county of Schuylkill, the 18th day of September, in the year of our Lord one thousand eight hundred and seventy-six, personally appeared James Price before the said court, who upon his solemn oath did depose and say that he is a native of Wales, now residing in the county of Schuylkill, aged thirty years or thereabouts, and that it is his bona fide intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate,

state, and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain and Ireland, of whom he was before a subject.

JAMES PRICE.

Sworn and subscribed in open court the 18th day of September, A. D. 1876.

THOS. F. KERNS,
Prothonotary.

I, James Price, the above-named petitioner, do on my solemn oath declare that the contents of my petition are true; that I will support the Constitution of the United States; that I do hereby renounce and relinquish any title or order of nobility to which I am or may hereafter be entitled; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatever, particularly to Victoria, Queen of Great Britain and Ireland, of whom I was before a subject.

JAMES PRICE.

Sworn and subscribed in open court this 18th day of September, A. D. 1876.

THOS. F. KERNS,
Prothonotary.

Index docket.

Names.	Country.	Vouchers.	Application.	Admitted.
James Price	Wales	Jesse Wyatt.....	Sept. 18, 1876	Sept. 18, 1876

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of the petition and admission to citizenship of James Price, so full and entire as the same now remain of record and on file in said court.

In witness whereof I have hereunto set my hand and affixed the seal of the said court this 31st day of March, A. D. one thousand eight hundred and seventy-seven.

THOS. F. KERNS,
Prothonotary.

EXHIBIT N N N N.—*H. K. Weston, Notary Public.*

STATE OF PENNSYLVANIA,
Schuylkill County, ss:

Be it remembered that at a court of common pleas held at Pottsville, in and for the county of Schuylkill, the 7th day of September, in the year of our Lord one thousand eight hundred and seventy-four, personally appeared Thomas Green before the said court, who, upon his solemn oath, did depose and say that he is a native of England, now residing in the county of Schuylkill, aged thirty-seven years, or thereabouts, and that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatsoever, and particularly to Vic-

toria, Queen of Great Britain and Ireland, of whom he was before a subject.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court, at Pottsville, the 7th day of September, in the year of our Lord one thousand eight hundred and seventy-four.

HIRAM MOYER,
Prothonotary.

To the honorable the judges of the court of common pleas of Schuylkill County.

The petition of Thomas Green, a native of England, respectfully showeth:

That your petitioner is a free white person and an alien, and is desirous of becoming a citizen of the United States of America; that, in pursuance of an act of Congress, entitled "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject," and the supplement thereto, he made a declaration of his intention to become a citizen of the United States, before the prothonotary of the court of common pleas on the seventh day of October, A. D. one thousand eight hundred and seventy-four, a certificate whereof is hereunto annexed; and that he has resided within the limits and under the jurisdiction of the United States for five years last past, and for one year last past within the State of Pennsylvania; that he has never borne an hereditary title or been of any of the orders of nobility in the kingdom whence he came or elsewhere. He therefore prays he may be admitted to become a citizen of the United States.

THOMAS GREEN.

M. M. L'Velle, a citizen of the United States, being duly sworn according to law, saith that he is well acquainted with above-named petitioner, and that, to his knowledge and belief, he has resided within the limits and under the jurisdiction of the United States for five years last past, and for one year last past within the State of Pennsylvania; that during the same period he has behaved himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

M. M. L'VELLE.

Sworn and subscribed in open court the 5th day of October, A. D. 1876.

THOS. F. KERNS,
Prothonotary.

I, Thomas Green, the above-named petitioner, do on my solemn oath declare that the contents of my petition are true; that I will support the Constitution of the United States; that I do hereby renounce and relinquish any title or order of nobility to which I am or may hereafter be entitled; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatever, particularly to Victoria, Queen of Great Britain and Ireland, of whom I was before a subject.

THOMAS GREEN.

Sworn and subscribed in open court the 5th day of October, A. D. 1876.

THOS. F. KERNS,
Prothonotary.

Index docket.

Name.	Country.	Vouchers.	Application.	Admission.
Thomas Green.....	England	M. M. L'Valle	Sept. 7, 1874	Oct. 5, 1876

STATE OF PENNSYLVANIA,
Schuylkill County, ss:

I, Thomas F. Kerns, prothonotary of the court of common pleas of Schuylkill County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of the petition and admission to citizenship of Thomas Green, so full and entire as the same now remain of record and on file in the said court.

In witness whereof I have hereunto set my hand and affixed the seal of the said court this thirty-first day of March, A. D. one thousand eight hundred and seventy-seven.

[SEAL.] THOS. F. KERNS,
Prothonotary.

EXHIBIT P P P P.—*H. K. Weston, Notary Public.*

Return of county and State taxes of Kline Township for the year 1875, *by James McBreatty.*

Allen, Thomas, left.....	$1 50
Archibald, Jacob, left	1 50
Bonard, Patrick, left.....	75
Brown, John, left	1 50
Bernard, James, left.....	1 50
Bradley, John F., left.....	75
Butz, Christopher, left.....	1 50
Brandsellar, Emily, left.....	75
Brennan, Patrick, left	75
Boyle, William, left.....	75
Black, Jeremiah, left	75
Bradsiller, Charles, left.....	75
Bradley, Daniel, left.....	75
Burns, Burnard, left.....	75
Blosser, Frank, left.....	75
Campbell, Cornelius, left.....	1 50
Jones, Frederick, left.....	75
Fudge, Samuel, left	1 50
Farley, Sand'y, left	1 50
Farley, Anthony, left.....	75
Ganihan, Michael, left	75
Gallagher, Anthony, left.....	1 50
Gallagher, John, left.....	75
Gray, John, left.....	1 50
Gladstone, William, left	1 50
Henan, William.....	1 50
Hess, Jacob	1 50
Hopkins, William.....	75
Jenkins, Jacob, left	75
Jenkins, Isaac, left	1 50
Kelly, Patrick, left	1 50
Kerns, Thomas, left	75

Larkens, Patrick, left	1 50
Lynch, William, left	75
McKelly, John, left	75
Murphy, Patrick, left	1 50
McCoy, Cormick, left	1 50
Maloy, John, left	75
Maloy, Edward, left	75
Miller, John, left	75
Nihan, Cornelius, left	1 50
O'Donnell, Terry, left	75
Porter, William, left	1 50
Swinesburg, Charles, left	75
Spades, Benedict, left	75
Thomas, Deans, left	75
Tammany, John, left	75
Whalen, Thomas, left	75
Thomas, William, left	1 50
Beverage, Thomas, too poor to pay	1 50
Boyle, Hugh, too poor to pay	75
Boylesley, William	1 50
Boyle, Patrick	75
Boyle, Patrick	1 50
Brennam, James	1 50
Brown, Patrick	75
Boyle, Patrick	75
Benjamin, Edward, too young	1 50
Campbell, Patrick, too poor	1 50
Costter, Thomas	75
Conners, Richard	75
Doalen, Thomas	1 50
Davis, Reese	1 50
Andy, Theo	75
Freed, Daniel, insane	75
Francis, Lewis, too poor	1 50
Ferry, Wm	75
Gallagher, Pat'k	1 50
Garvy, Wm	75
Gana, Edw'd	75
Hagerty, James, cripple	1 50
Jones, Thomas	1 50
Jordan, Mark, too young	75
Kohoe, Wm., too poor	75
Lloyd, Thomas, too poor	1 50
McGehan, Edward, too poor	75
McGinley, Michael, too poor	75
Moran, John, too poor	1 50
McMonagle, Anthony, too poor	75
Miller, Wm., too poor	1 50
Maloy, Edward, too poor	1 50
McHugh, Pat., too poor	75
Maurer, Wm., too poor	75
Murphy, James, too poor	75
Nash, Joseph, too poor	1 50
O'Heran, Dennis, too poor	75
Purcill, Edward, too poor	1 50
Shark, Patrick, very old	75
Shark, Peter, not found	75

REAL ESTATE.

Dilworth, Charles:
100 acres land and improvements, 30.00 ..... 15 00
100 acres land and improvements, 30.00 ..... 15 00
Focht & Co.:
103 acres land and improvements, 20.00 ..... 10 00
Nicholas, W. F, estate:
50 acres land and improvements, 15.00 ..... 7 50
50 acres land and improvements, 15.00 ..... 7 50

SCHUYLKILL COUNTY, *ss:*

On the 29th day of January, 1876, personally appeared before me, clerk of commissioners in and for said county, James McBrearty, collector of Kline Township for 1875, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

JAMES McBREARTY.

Sworn and subscribed before me.

E. A. SCHARTEL, *Clerk.*

I, E. A. Schartel, clerk for the commissioners of the county of Schuylkill, State of Pennsylvania, do hereby certify that the foregoing is a true and correct copy of the original returns and exonerations of county and State taxes for Kline Township for the year 1875.

Pottsville, March 31, 1877.

[SEAL.] E. A. SCHARTEL, *Clerk.*

EXHIBIT Q Q Q Q.—*H. K. Weston, Notary Public.*

Return of county and State taxes of Rahn Township for the year 1875 by Peter McGee, collector.

Aiken, Geo., left	$0 75	
Banon, Chas., left	75	
Burns, Peter, no con	10	$0 06
Burns, John, left	75	
Billingsby, John, left	75	
Banier, Jacob, left	1 00	
Bucket, Daniel, left	1 50	
Boyle, Peter, poor	75	
Boyle, James, left	75	
Coyle, James, dead	75	
Campbell, Patk., left	75	
Coale, Jacob, left	75	
Corgan, Nicholas, dead	75	
Carlin, Patrick, poor	75	
Carter, Major, left	75	
Carlin, Chas., left	75	
Curnew, John, not found	75	
Crossen, Wm., left	1 50	
Carlin, Andrew, left	75	
Dunlevy, Patrick, left	75	
Dougherty, James, left	75	
Dulit, Francis, left	75	

Durrell, Wm. M., not found	75
Devir, Henry, left	75
Dooley, Michael, left	75
Earley, Patrick, left	75
Edwards, Richard, left	75
Evans, Thomas, left	75
Finley, John, left	75
Gillaspie, Robert, poor	75
Gallagher, Frank, left	75
Gallagher, Patk., not found	75
Holmes, Richard, left	1 50
Hewitt, Francis, left	75
Harpe, Valentine, old	75
Hartzell, John, left	75
Hollowed, John, left	75
Irly, John, left	1 50
Giles, Jenkin, left	1 60
James, James, left	1 50
Jones, Henry, left	75
Kelly, Charles, poor	75
Lloyd, John, left	75
McNellis, Wm., left	75
Mathews, Bernard, poor and sick	75
Melly, Patk., left	75
McElry, James, left	75
McCafferty, Michael, left	75
Meniless, Timothy, left	75
McCauley, Chas., left	75
McGavin, Samuel, left	75
Melly, Patk., left	75
McLain, Daniel, not found	75
O'Donnell, Daniel, left	75
O'Donnell, Patk., left	75
O'Donnell, Hugh, left	75
O'Donnell, Dominick, left	75
Ponten, Thos., left	1 50
Stapleton, Patk., old	75
Staller, David, left	75
Solt, Lafayette, left	75
Stapleton, Thos., left	75
Tyler, Wm., left	75
Weber, Wm., left	75
Williams, Benj., left	75
Williams, Lewis, left	1 50
Williams, Thos., left	1 50

SCHUYLKILL COUNTY, *ss:*

On the 4th day of February, 1876, personally appeared before me, clerk of commissioners in and for said county, Peter McGee, collector of Rahn Township for 1875, who, being duly sworn according to law, doth depose and say that the foregoing taxes contained in his duplicate could not or ought not to be collected, to the best of his knowledge and belief.

PETER McGEE.

Sworn and subscribed before me.

E. A. SCHARTEL, *Clerk.*

I, E. A. Schartel, clerk for the commissioners of the county of Schuylkill, State of Pennsylvania, do hereby certify that the foregoing is a true and correct copy of the original returns and exonerations of county and State taxes of Rahn Township for the year 1875.

Pottsville, March 31, 1877.

[SEAL.] E. A. SCHARTEL, *Clerk.*

EXHIBIT R R R R.—*H. K. Weston, Notary Public.*

Additional assessment of North Cass Township, made September 6, 1876.

	Occupation.
John Allen, Thomaston	Engineer.
William Hunt, Coal Castle	Laborer.
Michael Wade, Mackeysburg	Miner.
Charles Heims, Thomaston	Carpenter.
Michael O'Brien, Lower Heckscherville	Laborer.
Patrick Boran, Lower Heckscherville	Laborer.
John Comeford, Lower Heckscherville	Laborer.
John Purcell, Heckscherville	Laborer.
Michael Wade, jr., Mackeysburg	Laborer.
Tim Rearden, Heckscherville	Laborer.
Patrick Holihan, Heckscherville	Laborer.
John Bergan, Lower Heckscherville	Miner.
William Wright, Lower Heckscherville	Laborer.
Thomas Whalen, Coal Castle	Miner.

JAMES GRACE.

I, E. A. Schartel, clerk for the commissioners in and for the county of Schuylkill, do hereby certify that the foregoing is a true and exact copy of original, now on file in this office.

Pottsville, April 4, 1877.

Attest:

[SEAL.] E. A. SCHARTEL, *Clerk.*

EXHIBIT S S S S.—*H. K. Weston, Notary Public.*

And now, April 3, 1877, the incumbent requests the notary to append as part of the record in this case the following notice, viz:

That incumbent will make application to the Committee on Elections of the Forty-fifth Congress of the United States, when said committee shall be appointed, and when this case shall have been referred to them, and when they shall determine to hear said application, or to such other committee as this case may be referred to, that all of the testimony taken by contestant during the last ten days (of which this day is the last) of the time allowed by the act of Congress providing for the taking of testimony in cases of contested elections, &c., be stricken from the record of this case, and not considered, for the reasons and objections made by incumbent, and entered of record in these proceedings, excepting only that portion of said testimony relating to the boundary-lines of the borough of Shenandoah, and the certified copies of the records of the court of common pleas of Schuylkill County, offered in evidence by contestant, as to the admission to citizenship of the persons named therein; and further, that incumbent will apply to and request such committee, before considering this case, to summon and subpœna Hiram K. Weston, of the borough of Pottsville, Seth W. Geer, esq., of the borough of Miners-

ville, and John C. Conrad, esq., of the borough of Tamaqua, being the persons before whom the testimony on the part of the contestant was taken, and who have certified thereto; B. F. Crawshaw, esq., of the borough of Shenandoah, Anthony Campbell, and John A. Nash, esqrs., of the borough of Pottsville, all of the county of Schuylkill, and State of Pennsylvania, to appear before said committee at such time and place as they may determine, for the purpose of testifying before said committee as to the manner in which said testimony was taken, and in support of the objections as to the legality and sufficiency of the same, filed by incumbent on the last day of the first forty days during which contestant took testimony in his own behalf.

And further, that incumbent will make application to said committee for an extension of time for the purpose of investigating the regularity and legality of the election held on the 7th day of November, A. D. 1876, in the north ward of the borough of Tamaqua, in said Congressional district, for reasons only discovered upon the opening of the box, by contestant, containing the ballots cast in said election-district, at said election, and proof of which incumbent proposes to offer for the consideration of said commitee in determining said application:

EXHIBIT TTTT.—*H. K. Weston, Notary Public.*

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Hugh Martin, Dennis Gillespie, Michael Scanlan, James O'Connor, Dennis O'Brian, Michael Costello, John Ruddy, Anthony Lally, John Glavey, Patrick Tray, John Hanney, William Sterner, Neal Quinn, Thomas Jordan, Hugh O'Donnell, Wm. Comer, William Stoudt, Daniel McGurl, David Brown, R. J. Nesbitt, Martin Carl, James Conaghen, Charles Fisher, A. K. Bace, Peter Fasolt, Daniel Greenawalt, Richard Walsh, John McCormick, Richard Nash, Thomas F. Kerns, O. J. Aregood, A. W. Schalck, W. H. Leib, H. J. Meixell, James Brennan, Edward Brennan, Thomas Keane, William Mullin, George Mottz, Fred Smidle, John J. Parker, Andrew Hayes, John Feeney, Michael Brennan, Robert Rowe, George Harris, Patrick Conlin, J. H. James, C. F. Rahn, J. C. F. Christian, A. B. Cochran:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of Samuel Garrett, in the borough of Pottsville in said county, on Tuesday, March 27, A. D. 1877, at ten o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said contestant; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1875 and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit, under the penalty of twenty dollars and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 20th day of March, A. D. 1877.

[SEAL.]

H. K. WESTON,
Notary Public.

No. 8.

In the matter of the contested election in the thirteenth Congressional district of Pennsylvania for a seat to represent said district in the House of Representatives of the United States in the Forty-fifth Congress.

Depositions of witnesses taken before Seth W. Geer, a notary public in and for the county of Schuylkill and State of Pennsylvania, residing in the said thirteenth Congressional district of Pennsylvania, at the public house of Morgan Schwartz in the borough of Minersville in said county of Schuylkill, on the part of James L. Nutting, contestant, on the 28th day of March, A. D. 1877.

Parties present, Charles N. Brumm, esq., and Edward Monaghan, esq., of counsel for contestant, and John A. Nash, esq., of counsel for incumbent.

DANIEL BRENNAN sworn.

(Examination of this witness is objected to because the notice to incumbent does not state in what election-district the witness resides. It states merely that he resides in South election-district, and there is no such election-district in this Congressional district. Notice served on incumbent offered in evidence by incumbent to sustain this objection, and marked Exhibit No. 1, March 28, 1877.)

INCUMBENT. What do you propose to rebut by this witness?

CONTESTANT. We propose showing by this witness that he did not pay a State or county tax within two years prior to the November election, which would entitle him to the right to vote.

(Incumbent objects that it is testimony in chief and not in rebuttal.)

WITNESS. I live in South Cass election-district; I voted at the November election in 1876; I paid a tax in 1875 for 1874; I did not pay a State or county tax for 1875; I did not pay a State or county tax for 1876; I did not pay a tax for the State and county tax of 1874 in 1874; I paid it on the 8th day of September, 1875, for the year 1874.

(The contestant here says this evidence is to be followed by evidence showing witness was exonerated from the payment of State and county tax for the year 1874.)

Question. For whom did you vote for member of Congress at the election in 1876?

(Objected to by incumbent's counsel that it is irrelevant and immaterial, the witness not having been shown to be an illegal voter.)

Answer. I voted for James B. Reilly.

(No cross-examination, incumbent declining to cross-examine.)

DANIEL BRENNAN.

Sworn and subscribed before me March 28, 1877.

SETH W. GEER,
Notary Public.

JOHN BUTLER sworn.

(Incumbent makes the objection to the hearing of this witness on the ground of want of proper notice. This objection to apply to all the witnesses named in Exhibit No. 1 above referred to, except that of Jas. Crowe, without specifically naming it to each witness as called.)

WITNESS. I live in Forestville, South Cass election-district.

(This witness objected to by incumbent on the grounds that the evidence proposed is not in rebuttal, and therefore not admissible; this objection to apply to all the evidence and witnesses proposed to be called

by the contestant for similar purposes without specifically renewing the objection as each witness is called.)

Witness proceeds: I voted at the November election in 1876. I did not pay a State or county tax within two years previous to that election. My wife paid my tax in 1875 to James Maley. I did not see my wife pay the tax. I did not personally pay a State or county tax in 1876. It was paid for me. I do not know of my own knowledge of any person paying my tax for me. I did not to my knowledge pay any tax in 1874 for the year 1874.

Cross-examined:

It was my tax my wife paid in 1875. I had the receipt, but I have lost it; that receipt was made out in my name.

In chief:

I know my wife paid my State and county tax for 1875. The tax was paid for 1875. I have no personal knowledge of my tax being paid for 1875. I didn't see her paying it. I don't know whether I was exonerated for the year 1875 or not. I voted the Democratic ticket for Congress in 1876.

(Objected to by incumbent as irrelevant and immaterial, witness not being proved an illegal voter.)

Cross-examined:

I did not read my ticket. I can't read.

In chief:

Question. Do you know whether you voted for James B. Reilly or for James L. Nutting for member of Congress at that election?

(Objected to as irrelevant, immaterial, &c.)

Answer. It was for James B. Reilly I understood I voted.

Cross-examined:

I didn't hear anybody read my ticket for me.

his
JOHN + BUTLER.
mark.

Sworn and subscribed before me March 28, 1878.

SETH W. GEER,
Notary Public.

JAMES BROGAN sworn.

I live in South Cass election-district, and voted there at the election in November, 1876. I paid my tax for both 1875 and 1876, but the receipts I haven't got. I paid a tax personally to James O'Mally for 1875 some time in January, 1876. I got a receipt from McHale in 1876, but I didn't pay him; he told me he would pay my tax. I do not know that I was exonerated for my tax of 1875. I did not pay a State or county tax in 1874; don't remember of being assessed for that year. James O'Malley called upon and demanded the tax of 1875 from me at the time I paid it in January, 1876. I paid the tax the morning that Hughey Conner died; that is the reason I remember paying the tax in 1876. I don't know whether McHale has paid my tax or not; he gave me the receipt. I was born in county of Mayo, Ireland; am twenty-three years in this country next May morning; am about forty-six to forty-eight years old.

(Incumbent asks object of the testimony.

Contestant answers, to attack legality of citizenship of witness and naturalization-certificate.

Objected by incumbent that certificate is conclusive.

Certificate of naturalization produced, dated 19th February, 1872, reciting declaration of intention on the 18th day of July, 1866, common pleas of Schuylkill County, W. J. Wotz, prothonotary.)

I swore to this certificate of naturalization in Pottsville when I got the papers. Paul Nugardt was my witness. I knew him three or four years at least before he swore for me.

(Incumbent declines to cross-examine.)

In chief:

I voted what I understood to be the full Democratic ticket. I took it to be that from the party from whom I got it. (This is objected to by incumbent.) I can't tell whether I read read it or not, nor can't tell whose name was on it, but I believe it to be the Democratic ticket from the party I got it from. I got it from Bill Doran. He is dead now; was killed in the mines since.

(Incumbent still declines any cross-examination.)

JAMES BROGAN.

Sworn and subscribed before me March 28, 1877.

SETH W. GEER,
Notary Public.

GEORGE ALBERT sworn.

I live in the Delaware South Cass election-district, and voted there in November, 1876. I paid my taxes for 1875 and 1876, and I have paid them every year for twenty years; have lived in South Cass for the last seven years.

(The witness stood aside for the present.)

GEORGE ALBERT.

EDWARD BRADEY sworn.

I live at Forestville, South Cass election-district, and voted there in November, 1876; was born in this country; was between 21 and 22 years of age when I voted. I was 22 years of age either the last day of 1876 or first day of 1877; can't tell the year I was born. I never heard from my parents the year I was born in. I did not make any proof of my age at the time I voted; my vote was not challenged. I never paid any State or county tax. I had no tax-receipt at the time I voted.

Cross-examined:

I was registered on the registry-list of voters. I must be upon the registry-list. I was born in South Cass, and have lived there ever since. It was from what my mother told me that I say I was 22 years old about the beginning of this year.

In chief:

My mother told me I was 22 the beginning of this year, at the time of the contested election up here at Mohans (the James *vs.* McKibben contest); that was after the election in November, 1876. I did not look at the register before the election in November, 1876, to see whether my name was on it or not. I don't think my name ought to have been on the list of voters at the polls before the election, for I had never voted before. I don't know that my name was on the registry-list. I had no one to go inside and swear to my age at the time I voted. I had no one to make proof of my residence in Cass Township at the time I voted.

Question. For whom did you vote for member of Congress at the November election in 1876.

(Objected to as heretofore by incumbent.)

Answer. I voted for James B. Reilly.
(Incumbent declines to cross-examine.)

EDWARD BRADEY.

Sworn and subscribed before me March 28, 1877.

SETH W. GEER,
Notary Public.

WILLIAM BREEN, Jr., sworn.

I live at Black Heath, South Cass election-district, and voted there at the November election in 1876. Was born on the 28th day of June, 1850. I did not pay a State or county tax within two years previous to that election.

Cross-examined:

If there was any tax paid for me, I don't know anything about it. I had no receipt at the election, and none was asked of me.

Q. For whom did you vote for member of Congress at the election in November last?

(Objected to as heretofore.)

A. I did not read my ticket, but I got it for the full Democratic ticket. I got it from Anthony McHale, and voted the ticket as he gave it to me.

Q. Do you know who was running for Congress on the Democratic ticket?—A. I can't say whether I do or not. I voted what they called the Democratic ticket, and if Reilly was running on the Democratic ticket, I voted for him.

Cross-examined:

Anthony McHale did not read the ticket to me. I don't believe he did. If he did, I don't remember about it. I did not read it myself. I don't believe McHale told me he was giving out Democratic tickets, but he told my father; had said to him if I came to the polls I should vote that ticket.

WM. BREEN, Jr.

Sworn and subscribed before me March 28, 1877.

SETH W. GEER,
Notary Public.

J. GOTTLIEB ABE sworn.

I live at Jonestown, South Cass election-district, and voted there at the election in November, 1876. I paid a State or county tax within two years previous to that election. I paid a tax to O'Malley in October, 1875, for the State and county tax of 1875. (Shows receipt, dated October 18, 1875.) I paid this tax myself.

J. GOTTLIEB ABE.

Sworn and subscribed before me March 28, 1877.

SETH W. GEER,
Notary Public.

PATRICK BUGGY sworn.

I live at Black Heath, South Cass election-district, and voted there at the election in November, 1876. I paid a State or county tax in 1875.

(Produces tax-receipt, as follows:

"CASS TOWNSHIP, *October* 14, 1875.

"Received of Patrick Buggy three dollars, State, county, and road tax for the year 1874.

"J. O'MALLEY, *Collector*.")

I paid no other State or county tax in 1875 but the one for which this

receipt was given. (Receipt offered in evidence, hereto attached, and marked "Exhibit No. 2, March 28, 1877.") It is more than I can tell whether I paid any tax in 1876. To the best of my knowledge, I paid no tax in 1876. I am informed I was exonerated for my tax for 1874. James O'Malley came to my house and demanded the tax for which this receipt was given at the time it was paid.

Cross-examined:

I paid this tax to O'Malley himself. I understood I was paying the taxes for 1875. It was my calculation that I paid him this tax for 1875. No tax beside this was ever demanded of me for 1875.

In chief:

I don't know whether I was exonerated for 1875 or not. There was a list of exonerations came out to the polls at the November election and there was a neighbor of mine told me my name was on it. I don't know whether that exoneration was for 1874 or 1875. I did not see it myself.

Question. For whom did you vote for member of Congress at that election?

(Objected to as heretofore.)

Answer. When I came from work to the polls it was late, and Anthony McHale was electioneering for James B. Reilly, as I understood, and I asked him for a ticket. He gave me one and I asked him if it was a Reilly ticket, and he said it was, and I took the whole ticket and voted it just as he gave it to me.

(No cross-examination.)

his
PATRICK + BUGGY.
mark.

Sworn and subscribed before me March 28, 1877.

SETH W. GEER,
Notary Public.

JAMES CURRAN sworn.

I live at Forestville, South Cass election-district. I voted there at the election in November, 1876. I shall be 23 years old the 2d day of June next. (Shows certificate of parish-register, showing his birth to have been June 2, 1852.) I never paid any State or county tax myself. I understand the committee paid my tax for 1876. I don't know of my own knowledge that the committee paid my tax. I was told they did by Mr. McHale.

Cross-examined:

I think it was McHale wrote out the tax-receipt, though I did not see him write it. I can't say whether it was McHale or John Tool who gave me the receipt; it was one or the other of them gave it to me on the day of the election. McHale told me it was paid for. I had this tax-receipt the day of the election. I got it that day. I did not show it to the election-officers; it was not asked of me; but I had it then if I had been required to show it. No tax was ever paid for me before that I know of.

In chief:

(Receipt offered in evidence as follows:

"CASS TOWNSHIP, *October* —, 1876.

"Received of James Curran fifteen cents, State, county, and —— tax for the year 187—.

'ANTHONY M———.")

(It is impossible for me to tell from the receipt what day it is dated, or what the last name of the collector is.—SETH W. GEER, *Notary Public.*)

(Receipt offered in evidence and hereto attached and marked "Exhibit No. 3, March 28, 1877.")

I think it is dated October 2, 1876. I paid no tax at all myself; paid nothing for this receipt. I did not see them fill up the receipt myself; they, Mr. Tool and McHale, went into a back room and brought the receipt to me. I can't say which of them wrote it; this was on the day of election, last November. It was not at the poll, but it was at Mr. Tool's house that I received the receipt; Tool's house may be about 40 or 50 yards from the place of election, may be more or less. I did not authorize any one to pay my State or county tax for me.

Cross-examined:

It was at the time of the contest at Mohan's that McHale told me the county committee paid my tax (that was the James-McKibben contest). When the receipt was given to me it was filled out; Anthony McHale's name was signed to it. I can't say that tax-receipt was filled out that day, but it was for that intention they went into the room; if they had had one they would have given it to me before that. I was not in the room with them. When I got it, it was filled up, signed, and all. I could not say how long after I got the receipt that I voted; it might be half an hour; it was not long, anyhow. McHale never asked me to pay for this receipt. I accepted this receipt as a payment of my taxes. I couldn't say that my tax was paid; I was told at the time of the James *vs.* McKibben contest that my taxes were paid. I was not told at the time that they were paid. I considered that I had nothing more to pay for them, as I had a receipt for it.

In chief:

It was after the election that I was told my taxes were paid. McHale did not tell me at the time I received the receipt that my taxes were paid, to my knowledge. The election was in November and the contest was some time last month or the month before; it was about four months after the election that McHale told me my taxes were paid by the committee.

Question. For whom did you vote for member of Congress at the November election, 1876?

(Objected as heretofore.)

Answer. I voted the Democratic ticket.

Q. Do you know the name of the candidate on the Democratic ticket for Congress?

(Objected to as before.)

A. James B. Reilly was one.

Q. Was there any other candidate for Congress on the Democratic ticket?

(Objected as a cross-examination and immaterial.)

A. As far as I know I voted the full Democratic ticket, whatever was on it.

Q. Do you know whether you voted for James B. Reilly or for James L. Nutting?

(Objected to as a cross-examination and leading.)

A. If James B. Reilly was on the Democratic ticket, I voted for him.

Recross-examined:

I can't say whether I read my ticket; it was folded up and put in for me by another person; both of my arms are off. I can't say that the

person who folded my ticket and put it in for me read it for me or not. The ticket was given to me for a Democratic ticket. To the best of my knowledge it was the Democratic ticket. I have no personal knowledge whether it was or not; it was given to me for that. I can't tell from my own personal knowledge whose names were on that ticket. I can't say positively who gave me the ticket; it was either Anthony McHale or John Tool gave it to me. I believe the ticket was wrapped up as far as I know, when I got it. I am positive it was either Tool or McHale gave me the ticket. I believe they wrapped it up and put it in my pocket, and I went down to the poll and somebody put it in for me; I can't say now who. I believe the person who put it in for me took it out of my pocket. It was one of the Democratic party who put it in for me.

Q. Could not the person who put it in for you have substituted another ticket for it?—A. Yes, but it was one of the Democratic party who put it in for me. I left it to them to do that.

his
JAMES + CURRAN.
mark.

Sworn and subscribed before me March 28, 1877.
SETH W. GEER,
Notary Public.

EDWARD LANGTON sworn.

I live in Potter's Valley, South Cass election-district, and voted there in November last. Am a little over twenty-six years of age. I paid a State or county tax within two years previous to the November election. I paid it on the 14th day of December, 1874. I paid the money for that tax. (Shows receipt, dated 14th December, 1874, for $1.50, paid to James O'Malley, collector.) I did not pay a tax in 1875, but my mother paid it for me. The receipt produced here was given and dated the day I paid the tax. I paid a State and county tax for the year 1876, after the November election. I was born in this country. Was born in South Cass, and have lived there since.

EDWARD LANGTON.

Sworn and subscribed before me March 28, 1877.
SETH W. GEER,
Notary Public.

HENRY BETZ sworn.

I live in South Cass election-district; voted there at the last November election. Am going on twenty-two years of age. Was twenty-one years of age on the 8th day of November last. I made proof of my age at the time I voted. My father was with me and made proof of my age; he swore for me. I did not sign any papers at the time I voted. No witness signed any papers for me at the time I voted that I know of. I don't know whether my name was on the registry-list or not. I guess they put it on after I gave them my name. I gave them my name the day of the election. I was not required by any of the election-officers to swear how long I had lived in South Cass election-district. I did not swear at the time I voted how long I lived in Cass Township. My father was sworn at the polls, inside.

Cross-examined:

The 8th day of November last was my birthday, and I am now between twenty-one and twenty-two years of age. I lived in South Cass more than sixty days before the last election; have lived in this State more than one year before the election. I can't say whether I was on the registry-list or not before the election.

Redirect:

I never asked any one to put my name on the registry-list. Can't tell for sure whether my name was placed on the registry-list on the day of election or not.

Question. For whom did you vote for member of Congress at the last November election?

(Objected as heretofore.)

Answer. I voted for James B. Reilly. I read the ticket I voted.

HENRY BETZ.

Sworn and subscribed before me March 28, 1877.

SETH W. GEER,
Notary Public.

MARTIN COLGAN sworn.

I live at Jonestown, South Cass election-district, and voted there last November. I paid a State and county tax within two years previous to that election. My wife paid a tax for me in April 20, 1875. It was for State and county tax of 1875; that is the only tax I paid within two years before the election in November, 1876. I am positive the tax my wife paid April 20, 1875, was for the year 1875. Sometimes one of the Malleys would come and sometimes another. Once the old man came with a boy, and once Jim came, when he was back from the West, and then the old woman paid him. She gave him a dollar, and he gave her a quarter back; that is all I know about it. I was at work at the time. O'Malley came to the house to get the tax or he never would have got it. He came more than once, too, before he got it.

Question. For whom did you vote for member of Congress at the last November election?

(Objected to as heretofore.)

Answer. I voted the whole Democratic ticket, from top to bottom. I am satisfied I voted for James B. Reilly for Congress. I know well I read my ticket. I would not vote a ticket for my father without reading it.

MARTIN COLGAN.

Sworn and subscribed before me March 28, 1877.

SETH W. GEER,
Notary Public.

MARTIN MULDOON sworn.

I live at Primrose, South Cass election-district, and I voted there at the election in November last. I paid a State and county tax within two years previous to last election. I think I paid it in 1875.

Have receipt with me.

(Receipt produced and offered in evidence, as follows:

"CASS TOWNSHIP, *May* 14, 1875.

"Received of Martin Muldoon two dollars 25 cents, State, county, and road tax for the year 1874.

"J. O'MALLEY,
Collector.")

(Receipt in evidence, and marked "Exhibit No. 4, March 28, 1877.")

This receipt is for the only tax I have paid within two years prior to last November election.

Cross-examined:

I paid this myself to James O'Malley.

Question. For whom did you vote for member of Congress at the last November election?

(Objected to as heretofore.)

Answer. I voted the square out Democratic ticket.

Q. Did you vote for James B. Reilly or James L. Nutting for Congress?

(Objected to as leading.)

A. I voted for James B. Reilly. James O'Malley demanded that tax of me at the time I paid it.

MARTIN MULDOON.

Sworn and subscribed before me March 28, 1877.

SETH W. GEER,
Notary Public.

PATRICK BARNEY sworn:

I live in South Cass election-district; voted there at last November election. I have a receipt for payment of taxes of 1874, State and county taxes, which is dated within two years prior to last election. (Shows receipt.) I paid this tax myself to James O'Malley, receipt dated December 14, 1874, for State and county taxes of 1874. I believe this receipt is dated on the day I paid the tax. I paid no State or county tax for 1875 or 1876. I was born in Ireland; have been in this country since I was a small boy; believe I am in the country twenty-four years; believe I am over thirty years old. I did not present this tax-receipt to the election-officers when I voted; it was not asked of me. I had it in my pocket. I lived in Cass Township in 1874, the election year. I saw O'Malley write that receipt.

Question. Did you get this receipt from O'Malley before the election in 1874?

(Objected to because the receipt is in evidence, and is the best evidence of time of payment.)

Answer. I voted since I got this receipt. I never presented, it because it was not asked. O'Malley came to me and demanded these taxes of me; he must have or I would not have had it. The way I know I paid this tax to O'Malley is because I have this receipt, and I remember giving him the money for it. I guess he asked me for tax of 1875. I know he was around.

(Witness asks whether O'Malley was collector for 1875, and being answered yes, makes the above answer.

Q. Why didn't you pay him for 1875 if he asked you for tax for that year?

(Objected to as irrelevant, &c.)

A. I believe I hadn't the money at the time.

Q. For whom did you vote for member of Congress at the election in 1876?

(Objected to as heretofore.)

A. I voted for James B. Reilly.

his
PATRICK + BARNEY.
mark.

Sworn to and subscribed before me March 28, 1877.

TERENCE FARLEY sworn.

I live in South Cass election-district. I voted there at the last November election. I paid a State or county tax within two years previous

to last November election. I don't exactly know when I paid the tax, but have the receipts. (Shows receipts.)

his
TERENCE + FARLEY.
mark.

Sworn to and subscribed before me March 28. 1877.

SETH W. GEER.
Notary Public.

DENNIS CONNELY sworn.

I live in South Cass election-district; was twenty-four years old last October. I am not positive whether I paid any tax myself within two years prior to November election or not, but am positive either my mother or I paid it. I have receipts with me. (Produces receipts.) Was born in this country.

DENNIS CONNELLY.

Sworn and subscribed before me March 28, 1877.

SETH W. GEER,
Notary Public.

THOMAS CARROLL sworn.

I live in South Cass election-district; was born in Minersville. I was sworn in the James *vs.* McKibben contest. I was born on the 29th day of November, 1854. I voted at the last November election. I paid a State and county tax within two years previous to that election. I don't remember now when I paid that tax. I have the receipt. I can't say exactly when I got this receipt. I can't remember the date. I paid Anthony McHale the tax for that receipt myself. I can't say when. I paid him when I got the receipt. I can't say how long before the election; it might have been 5 or 6 weeks. I believe it was about that time. I paid McHale in cash myself. I was not quite 22 years of age at the last election. I did not produce this receipt at the last election; it was not asked of me. I did not go inside to swear as to my age when I voted. I think I was assessed before last election. I can't say for sure. Don't remember that I swore in the James-McKibben contest that I got that receipt on the 3d of November, 1876. I can't say who assessed me. I think I voted in Cass Township before that election; can't say what election. I don't remember whether I voted more than once before that election or not; was never sworn as to my age when I voted there that I recollect of. I saw McHale write this receipt in his own house when I paid this tax. Can't say what day in the week it was.

Cross-examined:

I lived more than 10 years in South Cass election-district before the election; was between the ages of 21 and 22 years, and had paid a State and county tax within two years and thirty days prior to that election.

Redirect:

Question. For whom did you vote for member of Congress at the last November election?

(Objected to as heretofore.)

Answer. I voted for James B. Reilly.

THOS. CARROLL.

Sworn and subscribed before me February 28, 1877.

SETH W. GEER,
Notary Public.

GEORGE BERKES sworn.

I live in South Cass election-district, and voted there in November last. I paid the State and county tax of 1874 and 1875; but the receipt for 1875 I lost. I have receipt for 1874. I paid the tax for 1875 some time early in the year. I can't tell how much I paid; can't tell what State and county tax was at that time. I know I paid him what was required.

(Receipts produced by witness offered in evidence, as follows:

"CASS TOWNSHIP, *March* 22, 1875.

"Received of George Burke two dollars on account State, county, and road tax for the year 1876.

"J. O'MALLEY, *Collector.*"

"CASS TOWNSHIP, *July* 20, 1875.

"Received of George Burks four dollars and fifty cents State, county and road tax for 1874.

"J. O'MALLEY, *Collector.*")

I paid no tax for 1876—not State and county. I paid other tax.

Cross-examined:

The tax for 1874 and 1875 I paid myself to James O'Malley, the collector.

Redirect:

Question. For whom did you vote for Congress at the election in November, 1876?—Answer. I voted the full Democratic ticket. I didn't read the ticket, any more than the man who gave it to me, Martin Colgan, told me it was the Democratic ticket.

his
GEORGE + BERKES.
mark.

Sworn and subscribed before me March 28, 1877.

SETH W. GEER,
Notary Public.

Adjourned until to-morrow, March 29, 1877, at 9 o'clock a. m.

THURSDAY MORNING, *March* 29, 1877.

Examination resumed. Present, C. N. Brumm, esq., for contestant and John A. Nash for incumbent.

JOHN H. WARD sworn.

(Mr. Nash, for incumbent, objects to the hearing of this witness on grounds of insufficiency of notice, and to all the witnesses to be examined on behalf of the contestant under notice for this date for same grounds.)

Witness proceeds. Was living in Minersville during the year 1876. I do not know of any arrangement made with any tax-collector of this county with reference to payment of any taxes before last Presidential election. I know of no arrangement made with any member of the Democratic standing committee of the county. I don't know of any such arrangement made with any candidate on the Democratic ticket.

Question. Do you know of any money being paid or promised to be paid to any person in the interest of the Democratic ticket of last fall, or any of the candidates thereon for the payment of taxes?—Answer. No, sir.

Q. Do you know of the issuing of any tax-receipts upon promises to be paid for by the Democratic standing committee?—A. No, sir.

Q. Do you know of any tax.receipts being issued at all, to be given to any person who had not paid their taxes themselves, for the purpose of enabling them to vote?

(Objected to by Mr. Nash as immaterial.)

A. Billy Williams gave me one with my own name on; William L. Williams, the defeated candidate. I also got another receipt from Esq. Kumsins that was paid by the Republican committee. I do not know of any others. I heard from good authority that it was paid by the Republican committee. I don't swear for certain that it was paid by the Republican committee. I heard so. I think it was R. K. Swan told me yesterday that the Republican committee paid the tax.

I did not have one cent given me before last November election to pay taxes with. There were no receipts given me for distribution. The only receipt I know of that I gave out was one to Arthur Deely, with whom I went to Esquire Kumsins' office and got a receipt for his tax. I did furnish or know of the furnishing a list of persons whose taxes were to be paid. All I saw was the list of the extra assessment; that I saw at Esquire Kumsins' when I was making out a window book. I don't know of the use of any money to influence voters at last fall election in any way.

Cross-examined:

Esquire Kumsins, I believe, is a Republican, as far as I can recollect. Sevan and I were joking at the window then and got to talking about this tax-receipt, and Sevan said Deely was considered to be a Republican until they had paid his taxes, and then he voted Democratic. R. K. Sevan is a Republican.

JOHN H. WARD.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

WILLIAM BREEN, sr., sworn.

I live Black Heath, South Cass election-district. I did not pay my tax myself, but I was looking at my wife when she paid tax for me to Jim Maley. I can't tell whether it was in 1875 or 1876 that my wife paid Malley the tax, but his father came for tax the same year, and I told him I would not pay him. I had paid Jim. He wanted fifty cents road-tax, but I did not pay it. I have not my receipt. I can't find it. I wasn't asked for any receipt when I voted. I got the ticket from Anthony McHale, and I suppose it was a Democratic ticket; did not read it, took it out of his hands and put it right in. I can't tell whether I paid O'Mally the tax the first year or the second year he collected taxes, but it was the year his father was collecting taxes that I paid it. I came to this country in 1833.

WM. BREEN.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

PATRICK REILLY called.

(Mr. Nash objects to this witness being called and sworn, as his name is on the notice marked Exhibit No. 1, March 28, 1877, which he claims to be defective.)

Witness sworn.

I live at York Tunnel, South Cass election-district. I paid James O'Malley the taxes for 1875 myself, in my own house, and got that receipt for it. I paid him in cash on the day this receipt is dated. Shows receipt dated November 11, 1875, for the taxes of 1875. I paid him this money and got the receipt the day I paid it.

his
PATRICK + REILLY.
mark.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

JOHN REILLY sworn.

(Objected to by Mr. Nash for same reason as urged against last witness.)

Witness proceeds: I did not pay any tax for 1875 myself, my wife paid it by my orders. I paid it for 1874, but have lost my receipt. I did not see my wife pay this tax; the only way I know it is that my wife told me, and this receipt. (Shows receipt dated November 11, 1875, for taxes—State and county—of 1875.)

Question. For whom did you vote for member of Congress at last November election?

(Objected to by Mr. Nash, that the evidence given by contestant shows witness to be a legal voter. The evidence is therefore irrelevant and immaterial.)

Answer. I voted the full Democratic ticket, except for McKibbin. His name was cut off and James' name put on. I guess Reilly was the man for Congress. I can't tell whether it was before or after the election in 1874 I paid that tax.

his
JOHN + REILLY.
mark.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

WILLIAM DELANEY sworn.

I live in South Cass election-district. (Shows tax-receipts, one dated:)

"CASS TOWNSHIP, *November* 22, 1875.

"Received of Wm. Delaney the sum of 1 dollars 50 cents in full for road tax for 1875.

"OWEN O'MALLEY, *Collector.*"

The other receipt as follows:

"CASS TOWNSHIP, *November* 22, 1875.

"Received of Wm. Delaney —— dollars 75 —— State, county, and —— tax for the year 1875.

"OWEN O'MALLEY, *Collector.*"

These are the last receipts I got from O'Malley's. I paid no tax to McHale yet. The only tax I have paid within two years previous to last fall election is the tax I paid for these receipts.

Cross-examined:

I know that Owen O'Malley is James O'Malley's father. James O'Malley was the tax-collector for 1875. It was Owen O'Malley that got the taxes from me, the son was away at the time. Owen O'Malley had a book, though I didn't pay him these taxes myself; it was my wife that paid it; I was at work at the time. My wife always pays the taxes

when they come around. All of my taxes were paid to O'Malley at the same time.

Redirect:

I voted at the last fall election.

Question. For whom did you vote for member of Congress at the last October election?

(Objected to as heretofore.)

Answer. I can't say for whom I voted. I voted the ticket given me by Anthony McHale. He met me as I came to the polls from my work, and said here is the right ticket for you to vote, and I took and voted just as he gave it to me.

Recross:

I paid a State and county tax for 1874; have paid my tax for about thirty years. Can't tell what time in the year I paid it; think I have the receipt for 1874 taxes at home. I was not subpœnaed to bring it here. I don't know the date of that receipt.

WILLIAM DELANEY.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

MARTIN DEEGAN sworn.

(Examination of this witness objected to on grounds of defective notice, &c.)

Live in South Cass election-district. I paid James O'Malley one dollar for taxes. He did not give me a receipt the night I paid him the money. He gave me this receipt afterwards for that. (Shows receipt.) This is the receipt I got for the money I paid him that time.

Receipt dated Cass Township, October 12, 1875.

"Received of Martin Deegan, —— dollars 75 ——, State, county, and —— tax for the year 1874.

"J. O'MALLEY, *Collector.*"

Unless James O'Malley was collecting road-tax I got no receipt from him since this one. I paid no tax to McHale for 1876.

Question. For whom did you vote for member of Congress at the last fall election? Nutting and Reilly were running; for which did you vote?

(Objected to as irrelevant, &c.)

Answer. I intended to vote for Reilly. I did not read my ticket. I got it from my own son, Martin Deegan.

Q. You vote the Democratic ticket, don't you?

(Objected to as leading and immaterial, &c.)

A. Mostly. It was day-light when I voted. My son can read.

(No cross-examination.)

his
MARTIN + DEEGAN.
mark.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

PATRICK BREEN sworn.

I live in South Cass election-district. I can't exactly say whether I paid any tax within two years previous to last fall election or not, but I have got a tax receipt for 1875 that I did not pay for and one for 1876 that I did

pay for. The one for 1876 is dated November 18, 1876; this I paid after the election. Can't remember whether I paid O'Malley in 1874 or not. And this tax-receipt, dated October 5, 1875, I did not pay for; he gave it to me and I asked him what was to pay, and he told me, nothing, he would give it to me. I voted at last fall election.

Question. For whom did you vote for member of Congress at last November election?

(Objected to as heretofore.)

Answer. I voted for James B. Reilly.

Cross-examined:

I had this tax-receipt at the polls at the election; the receipt for 1875. I did not show it; was not asked to show it. O'Malley did not tell me who paid my taxes when he gave me the receipt.

his
PATRICK + BREEN.
mark.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

GEORGE MEALEY sworn.

I live in South Cass election-district. I paid a State and county tax within two years prior to last fall election. I have not the receipt for that tax with me. I was notified to bring it with me, but forgot it this morning.

Question. The only State or county tax which you claim to have paid within two years prior to last fall election was the one for which you showed a receipt as witness in the James *vs.* McKibben contest, was it not?

(Objected to by Mr. Nash, as leading, and irrelevant, and immaterial.)

Answer. Yes, sir.

Q. That receipt was dated in 1875, for the taxes of 1876, was it not?

(Objected to as leading and irrelevant. Witness stood aside for the present.)

GEORGE MEALEY.

MARTIN MURPHEY called.

(Incumbent's counsel objects to the calling this witness, as the only notice is that shown by Exhibit No. 1, hereto attached.)

Witness sworn.

I live in South Cass election-district. To the best of my knowledge I was 29 years old 2d of February last; was born in this country. I did personally pay a State or county tax within two years previous to last fall election. There is no other Martin Murphey in Cass Township that I know of. I paid it to Jim Malley; I didn't pay it, but my wife paid it; that's all the same. I did not see my wife pay it; I was working when she paid. I was in the house when he came for it the second time, and she told him she had his receipt, and then he said it was all right; he hadn't it marked in his book. I paid him State, county, and road tax for 1874; that receipt I could not find. Can't say whether it was before or after the election in 1874 I paid him, but I think it was before the election. I remember how much I paid him. I paid him $1.50 for road tax and 75 cents for county and State tax. He collected both that year.

Question. For whom did you vote for member of Congress at last November election?

(Objected to as heretofore.)

Answer. I believe I voted the full Democratic ticket. I didn't open it and read it; it was late when I got it. I got it from Anthony McHale.

Cross-examined:

I did not read myself, and it was not read for me. I couldn't swear whether it was before or after the election in 1874 I paid the tax to O'Malley. When my wife paid the tax for 1875, she showed me the receipt when I came home from work. She told me then she had paid the tax.

Receipt offered in evidence by incumbent as follows:

"CASS TOWNSHIP, *November* 11, 1875.

"Received of Martin Murphey —— dollars 75 —— State, county, and —— tax for the year 1875.

"J. O'MALLEY, *Collector.*"

This receipt copied above is the receipt she showed me.

his
MARTIN + MURPHEY.
mark.

Sworn and subscribed March 29, 1877, before me.

SETH W. GEER,
Notary Public.

THOMAS WARD, Jr., called.

(Mr. Nash objects to calling this witness because incumbent has not had proper notice. See Exhibit No. 1.)

Witness sworn.

I live in South Cass election-district. I am going on 26 years of age. I did not myself pay any tax within two years previous to last fall election; my mother paid it for me. I paid McHale a tax.

Shows a receipt dated 22d November, 1876:

"Received of Thomas Ward, one dollar and sixty-five cents, State and county tax for the year 1876.

"ANTHONY MCHALE, *Collector.*"

I have no other tax-receipt. I had a receipt of O'Malley's and I lost it. That was for the last year Jim Malley was collecting. I guess it was year before last. That receipt is lost. I don't recollect whether I had any other receipt. I paid all the tax that was asked me; don't know whether it was State and county tax, or road. I never had any other receipt for taxes paid to O'Malley but that one that is lost. I didn't pay O'Malley for that receipt; I left the money in the house, and it was either my mother or father that paid it. I did not see it paid.

Question. For whom did you vote for member of Congress at the last November election?

(Objected to as heretofore.)

Answer. I voted for James B. Reilly.

Cross-examined:

I received the receipt for the taxes paid in 1875. I had it at the election. It was for 1875 taxes, and to the best of my knowledge it was paid in 1875. Can't remember the date of the receipt now. They did not give me the receipt at the time they paid it. It was in the house, and I took along up to the election. I had never seen it before that. My mother told me my tax was paid.

(This is objected to by Mr. Brumm, for contestant.)

I asked her, and she told me it was paid. I don't remember as I read my ticket when I voted. Michael McGrue, jr., read it for me, I think. I didn't take any particular notice to the names on the ticket. I depended on the fellow that gave it to me for that.

Redirect:

I got my ticket from Michael McGrue, jr.

THOMAS WARD, JR.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

WILLIAM PURCELL sworn.

I live in South Cass election-district. I did not vote at the election last November. There are two other William Purcells in that election-district.

his
WILLIAM + PURCELL.
mark.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

JAMES MADDEN called.

(Objected to this witness being sworn, as notice is insufficient, &c. See Exhibit No. 1, of March 28, 1877.)

Witness sworn.

I live in South Cass election-district. I know of no other James Madden but myself in the South Cass election-district. I was not at the polls on the morning of the election. I was not there that day. I did not vote at the last November election. Was not at the polls at all.

Cross-examination:

I have a son James Madden. He is about sixteen years old. I don't know all the people in that election-district. I know a good many of them. There may be a good many I don't know. There could a good many James Maddens live in that district besides me. I live near Goodwin Dolbin's old place, near that school-house. I am a miner; am a married man; keep house. I have a little house. I have not paid any rent for it. Russell owns the ground on which it is built. I was in the mines on election-day. I worked until four or five o'clock. I had no business at the polls anyhow. I am no citizen.

Redirect:

I have lived in South Cass district about twenty years. I spent one year away from it since I first came there, but I am twenty years there anyhow; and in all that time I never knew or heard of any other James Madden living in South Cass district.

Recross:

I am not much acquainted about Jonestown. I am not right sure whether Jonestown is in South Cass or not. Am not acquainted up about the gap. I don't know whether part of the gap is in South Cass. I know where Black Heath is. I don't know all the people in Black Heath. I know Black Heath is in South Cass. I am not much acquainted very far away from where I live. There are some parts of South Cass in which I am not acquainted at all.

Redirect:

I have been paying taxes a number of years in Cass Township.

Rerecross-examined:

I never saw the assessment of South Cass Township. I can tell the assessor was in the house talking to me about assessing me is all I know about my being assessed. I do not know that I told him I was no citizen. He came to assess me for the taxes. His name was Bradley. I did not see the assessor who registered the voters, if he called at my house.

his
JAMES + MADDEN.
mark.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

PATRICK NAULTY called.

(Objected to this witness on account of notice, as above.)

Witness sworn.

I live in Black Valley, South Cass election-district. I don't know right where I was born. Was born in 1857 or 1858—somewhere around there—and now between twenty-four and twenty-five years old. I voted at the last fall election. I voted once before that. I voted at a township election before that. Am not right sure whether it was township or county election. I did not vote at the last township election. I can't tell whether I missed any election before the last one since I commenced voting. I don't know of having missed any but the last since I came to be a voter. I paid a State or county tax once. I paid it about a month before the last fall election. I paid it on the first or second of the month. I am not sure now whether I paid 85 or 83 cents, but I paid one or the other. I paid it up in Hexter's store, in Minersville.

Question. What day of the month was it?—Answer. I can't say.

(Objected to by Mr. Nash on the ground that the tax-receipt is shown to be in existence, and can be produced on a subpœna *duces tecum*, and is the best evidence of the time when the tax was paid. Second, that Capt. Charles N. Brumm here, counsel for contestant, was counsel for James in that investigation, at whose instance the tax-receipt was retained by Commissioner Houghawout, and must therefore know of the existence of this receipt.)

Cross-examined:

I paid this tax about a month before the election last fall.

his
PATRICK + NAULTY.
mark.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

THOMAS WARD, Sr., called.

(Objected to by Mr. Nash, for incumbent, on account of want of proper notice. See Exhibit No. 1.)

Witness sworn:

I live in South Cass election-district. I have my tax-receipts here for 1875 and 1876. I paid for this receipt myself. I always pay my own taxes. I paid to James O'Malley. Receipt dated October 21, 1875, for

taxes of 1875. I saw him write this receipt; I paid it the day it is dated. I paid tax for 1874, but haven't that receipt; it is lost.

THOMAS WARD.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

THOMAS CARROLL called.

(Objected to for same reason as last above witness.)

Witness sworn:

I live in South Cass election-district. I brought one tax-receipt with me; this is the only one I have (produces receipt). I did not pay for this myself personally; my wife paid it. (Receipt dated October 18, 1875, for taxes of 1875.)

THOMAS CARROLL.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

George Mealey recalled.

(First part of this man's evidence on page 28 of these depositions.)

Since you stood aside this a. m., I have been home and got the receipt referred to in my evidence.

(This receipt produced, as follows:

"CASS TOWNSHIP, *September* 18, 1875.

"Received of George Mealey four dollars 50, State, county, and road tax for the year 1874.

"J. O'MALLEY,
"*Collector.*")

Question. For whom did you vote for member of Congress at the last November election?

(Objected to as before.)

Answer. I voted for James B. Reilly.

Cross-examined:

I think I read my ticket and know whose name was on it. I did not pay this tax to James O'Malley myself; it was paid by my wife; it was paid with my money. I don't think I paid any tax for 1875; that receipt is the latest tax-receipt I have for State or county tax.

GEORGE MEALEY.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

JOHN FADDEN sworn.

I live in South Cass election-district. I have no tax-receipt with me. I had a tax-receipt in 1875, but could not find it to-day. I did not personally pay for that tax-receipt; my father paid for it. I did not see my father pay for it. I don't know whether he paid for it or not. I paid no tax to McHale. The only taxes I know or claim to have been paid for me is the tax represented by that receipt I got in 1875, and which is lost.

Question. For whom did you vote for Congress at the November election in 1876?

(Objected to by Mr. Nash, as heretofore.)

Answer. I voted for James B. Reilly.

Cross-examined:

I saw this receipt, and Mr. Brumm saw it. It was for taxes of 1875. It was paid, I guess, in 1875. James O'Malley's name was signed to the receipt; this receipt was for State and county tax. I did not tell my father to pay my tax for me. He told me he had paid my tax; it was my brother who gave it to me.

(This is objected to by Mr. Brumm as only hearsay evidence.)

I was a married man at the time.

Redirect:

My father's name is James Fadden, and there is no other James Fadden that is a voter in South Cass. I know James Madden, of Forestville. I know of no other James Madden in South Cass election-district. I have lived there twenty-eight years; was born there.

Recross-examined:

I am not acquainted with everybody in South Cass election-district. I know most of them. There could another James Madden live there and I not know it.

JOHN FADDEN.

Sworn and subscribed before me March 29, 1877.

SETH W. GEER,
Notary Public.

The taking of depositions here is now adjourned, by agreement of counsel for incumbent and contestant, until Monday, April 2, 1877, at 9 o'clock a. m.

SETH W. GEER,
Notary Public.

APRIL 2, 1877.

Taking of depositions resumed pursuant to adjournment. Charles N. Brumm, esq., for contestant, and John A. Nash, esq., for incumbent, present.

WILLIAM MADDEN called.

ncumbent objects to this witness being sworn on account of defective notice, &c.)

Witness sworn.

I live at Black Heath, South Cass election-district; am about sixty-five years old. I voted last November election. I can't say whether I paid any State or county tax within two years before last November election, but am sure I paid none to O'Malley. I paid none to McHale before the November election; it was after the election I paid it, but I voted on McHale's ticket.

Question. For whom did you vote for member of Congress at last November election?

(Objected to by Mr. Nash as heretofore.)

Answer. I voted the Democratic ticket. I voted for Reilly on that ticket for Congress.

Cross-examined:

I did not read my ticket; I can't either read or write. Some of the boys read it for me. I only know that Reilly's name was on the ticket because I was told so. I can't swear positively whether I paid any tax within two years before the election or not. I had a receipt for taxes at the November election, signed by McHale.

(Receipt produced by witness, at request of incumbent's counsel, as follows:

"CASS TOWNSHIP, *October* 4, 1876.

"Received of William Madden —— dollars and thirty-nine cents, State, county, and —— tax for the year 1876.

"ANTHONY MCHALE,
"*Colector.*)

Redirect:

This receipt was given to me on the day of the election. I can't tell now which of them I got the ticket from; there were three of them together at the time I got the ticket; Anthony McHale was one, Michael McGurl, jr., was one, and Johnny McKean was the other.

Recross-examined:

I received this receipt before I paid the tax.

his
WILLIAM + MADDEN.
mark.

Sworn and subscribed before me April 2, 1877.

SETH W. GEER,
Notary Public.

LAWRENCE CRENNAN sworn.

I live at McCleesburg, North Cass election-district.

(This witness objected to, as the incumbent claims he has had notice only of Larry Crennan, as his name is Lawrence Crennan.)

I am called Larry for short, and some spell my name Crinan; some spell it Creanan, and this last is the way I spell it. I voted at last November election. I am going on thirty-two years of age. I can't tell you whether I paid a State or county tax personally in cash within two years before last November election or not. So far as I know I did not pay a State or county tax within two years previous to last November election.

Cross-examined:

I don't know whether any tax was paid for me by other parties or not. I don't know nothing about it. I had a receipt to vote at the last November election. It was signed by O'Malley. That receipt is burned now. I suppose it is burned because I can't find it. It ran out the day after the election. I don't know whether it was signed by James O'Malley or not; whether it was by James or John. I know it was the name of the collector who was going around to collect taxes. I got in 1874. It ran out the day after the last November election. I voted on it at that election. It was good for two years, and was for State and county tax. I had it at the polls at the last November election, and showed it to the election-board at the poll and voted on it. I don't know who paid for this receipt. I got it from his deputy or from himself; it was himself at the poll ordered me to get it. I think it was at the township election before last November election I got it. It was dated back. I got that receipt last February a year, at the election, and it was dated back.

Redirect:

Question. For whom did you vote for member of Congress at last November election?

(Objected to by incumbent for same reasons as heretofore.)

Answer. I voted the Democratic ticket. I voted for James B. Reilly for Congress. I read my ticket and know what was on it.

LAWRENCE CRENNAN.

Sworn and subscribed before me April 2, 1877.

SETH W. GEER,
Notary Public.

GEORGE SLANE sworn.

I live in South Cass election-district; am thirty-two years old 4th of this month; I did myself pay any State or county tax within two years of last election, but my wife paid it. I have the receipt for it. (Shows receipt.)

GEORGE SLANE.

Sworn and subscribed before me April 2, 1877.

SETH W. GEER,
Notary Public.

THOMAS P. BRENNAN sworn:

I live in North Cass election-district. I did not vote at the last November election; wasn't near the poll at all that day.

THOMAS P. BRENNAN.

Sworn and subscribed before me April 2, 1877.

SETH W. GEER,
Notary Public.

JOHN BRENNAN-RUSH sworn.

I live in North Cass election-district; am almost thirty years of age. I paid a State or county tax within two years before last election. I paid no tax to McHale before last November election.

(Shows receipt, dated

"CASS TOWNSHIP, *November* 19, 1874.

"Received of John Brennan-Rush two dollars 25 cents, State, county, and road tax for the year 1874.

"J. O'MALLEY,
"*Collector.*")

I gave O'Malley two dollars for this receipt. I think I paid it on the day this receipt is dated. I don't know whether I paid him any tax in 1875 or not, but I think not.

Question. James O'Malley has sworn that you have paid no State or county tax for the year 1874, and has returned you as not having paid for 1874; now do you still swear that you paid him two dollars for which you got this receipt?

(Objected to by Mr. Nash that before this commissioner, since he has been taking what is called rebuttal testimony, there is no proof of the premises of this question, and it is leading and a cross-examination.)

Answer. Yes, sir.

JOHN BRENNAN RUSH.

Sworn and subscribed before me April 2, 1877.

SETH W. GEER,
Notary Public.

WILLIAM BRENNAN-RUSH sworn.

I live in North Cass election-district; am about forty-six years of age. I voted at last November election. I have paid a State or county tax within two years before last election. I paid it in May, 1876, for 1875; at least, my wife paid it, and I was looking at her doing it, or ordered her to pay it. I have lost the receipt. She paid it to James O'Malley. I paid no taxes for 1874. I paid none to McHale before last election. There is another William Brennan in North Cass; they call him Will-

iam Brennan-Rush, too. There is no other there that I know of. There are only two William Brennans in the township of Cass that I know of.

Cross-examination:

I live at Thomastown, in Cass Township, at least half a mile east of the township line; it is about a mile and a half down to the Gap; the other end of the township. There is Heckscherville and Coal Castle between where I live and the Gap. There are a great many people live between where I live and the Gap. I don't know all the people living in that valley. There are a great many Brennans in that valley, both in Heckscherville and Coal Castle, and also in Mechanicsburg, and they are all in this North Cass election-district.

Redirect:

I have lived in Cass Township since 1861. I lived in Foster Township since 1847 up to 1861, and when I lived in Foster Township I lived in the same valley as I do now, and when I lived in Foster Township I lived about three hundred yards west of the Cass Township line.

Question. For whom did you vote for member of Congress at the last November election?

(Objected to by Mr. Nash as heretofore.)

Answer. I voted for Mr. Reilly.

Cross-examined:

I read my ticket, and saw his name on it. I ordered my wife to pay these taxes when she paid it for me.

WILLIAM BRENNAN.

Sworn and subscribed before me April 2, 1877.

SETH W. GEER,
Notary Public.

THOMAS BRENNAN-RUSH sworn.

I live in North Cass election-district; am about forty-nine years of age. I did not vote at last November election. I have paid my taxes regularly for the last twenty years. I am known as Thomas Brennan-Rush. (Shows receipt for 1874, dated December 18, 1874, on account of 1874; Jos. O'Malley, collector; September 8, 1875, State, county, and road taxes for 1874.) These two receipts were given for the two taxes of 1874 and 1875.

Cross-examination:

Produces the receipts, and says these two receipts are the receipts I referred to.

(Receipts put in evidence by incumbent, as follows:)

"CASS TOWNSHIP, *December* 18, 1874.

"Received of Thomas Brennan two dollars and —— cents, State, county, and road tax for the year 1874.

"J. O'MALLEY, *Collector.*"

"CASS TOWNSHIP, *September* 8, 1875.

"Received of Thomas Brennan two dollars fifty cents, State, county, and road tax for the year 1874.

"J. O'MALLEY, *Collector.*"

Redirect:

I can't tell you how many Thomas Brennans there are in Cass Township. I am told there are fifteen or sixteen Thomas Brennans in Cass Township; from what the tax-collector tells me, there are that many. I

know myself of only one Thomas Brennan besides myself in Cass Township.

his
THOMAS + BRENNAN-RUSH.
mark.

Sworn and subscribed before me April 2, 1877.

SETH W. GEER,
Notary Public.

MICHAEL BRENNAN-SHONOG sworn.

I live in North Cass election-district; am about fifty-seven years of age. My wife paid a State and county tax for me within two years prior to last November election.

(Produces tax-receipt, dated:)

"CASS TOWNSHIP, *October* 15, 1875.

"Received of Michael Brennan one dollar, State, county, and —— tax for the year 1875 and 1874.

"J. O'MALLEY, *Collector*."

I did not see my wife pay this, but she told me she paid it, and she got that receipt. I did not pay any tax to McHale before the last election. I know four Michael Brennans, tax-payers in Cass Township there, besides myself; have lived in Cass Township twenty-four years; have only been out of it two months in twenty-six years. I am pretty well acquainted in Cass Township.

Question. For whom did you vote for member of Congress at last November election?

(Objected to as heretofore.)

Answer. I suppose for James B. Reilly. I got my ticket either from Aleck McDonald or from Jerry Curran, I don't remember which.

Cross-examined:

I did not read my ticket; it was not read for me.

MICHAEL BRENNAN.

Sworn and subscribed before me April 2, 1877.

SETH W. GEER,
Notary Public.

PATRICK MURPHY sworn.

I live in South Cass election-district; am going on twenty-eight years of age. I did not personally pay a State or county tax within two years previous to last November election. I voted at the November election.

Cross-examination:

I don't know whether there was any tax paid for me or not. I had a tax-receipt at the last November election. I don't know where it is. I couldn't find it. I can't say by whom it was signed. I can't say for sure whether it was signed by McHale or not; I think it was. It was for State and county taxes. It was for taxes of 1875. It was for seventy-five cents, I believe. It was not for last year's taxes; it was for 1875. I had it at the polls. I think I showed it to the election-officers. Can't say what its date was. I believe it was dated thirty days before the November election; and when I showed it to the election-officers they allowed me to vote.

Redirect:

I never paid anything for that receipt. It was given to me in September or October by Anthony McHale; I can't say which.

Recross:

I can't say it was for the taxes that McHale was collecting last year. I can't think it was for 1876. I am positive it was for 1875. McHale was collecting taxes about the time he gave me that receipt. I don't know where that receipt is now. I didn't have it since that day he gave it to me. I had it at the polls. I did not lose it then. I brought it home. I never saw it since. I took it home. I accepted that receipt for my taxes.

Redirect:

Question. For whom did you vote for member of Congress at the last November election?

(Objected to by incumbent as heretofore.)

Answer. I voted for James B. Reilly. I read my ticket and read his name on it.

PATRICK MURPHY.

Sworn and subscribed before me April 2, 1877.

SETH W. GEER,
Notary Public.

THOMAS MORAN sworn.

I live in South Cass election-district. Am about forty-seven years old. I did personally pay a State or county tax within two years previous to last election. I paid tax to Anthony McHale and to James O'Malley, too, while he was collecting the second time. I paid to McHale before last November election; it might have been a couple of months before; it was more than a month before anyway. I could not tell how old I was when I came to this country; think I was about 22 or 23 years old then.

THOMAS MORAN.

Sworn and subscribed before me April 2, 1877.

SETH W. GEER,
Notary Public.

THOMAS RYAN sworn.

I live at Union Hill Gap, South Cass election-district. Am about 25 years old. I paid a State or county tax personally within two years previous to last election. I paid O'Malley the last tax I paid within two years previous to last November election. I paid O'Malley for 1874 and 1875; my wife paid him, but I was present at the time. I was not present both times when she paid him. I was present in 1875 when she paid him. My wife paid the tax for 1875 in 1875; it was some time in September, 1875, she paid them. There is another Thomas Ryan in North Cass; that is the only one I know of beside myself in Cass Township.

Question. James O'Malley has sworn that neither you nor the other Thomas Ryan have paid a State or county tax for the years 1874 and 1875, and has so returned both of you to the county commissioners; do you now still swear that you saw your State and county tax paid to James O'Malley for the year 1875?

(Objected to because there is no proof before this notary of the premises to this question, and it is leading and a cross-examination.)

Answer. Yes, sir; I don't know what has become of my O'Malley receipts; I had them in the house and my little boy, I think, got hold of them. I paid O'Malley three and $\frac{25}{100}$ dollars.

his
THOS. + RYAN.
mark.

Sworn and subscribed before me April 2, 1877.

SETH W. GEER,
Notary Public.

THOMAS COSTELLO sworn.

I live in South Cass election-district; am about fifty-seven years old. I have paid a State or county tax within two years previous to last November election. There is no other Thomas Costello in Cass Township that I know. (Shows McHale's receipt, dated July 14, 1876.) I paid this tax to McHale, in cash, the day this receipt is dated.

his
THOMAS + COSTELLO.
mark.

Sworn and subscribed before me April 2, 1877.

SETH W. GEER,
Notary Public.

FRANK KEARNEY sworn.

I live in South Cass election-district; I am going on twenty-four years of age. I have personally paid a State or county tax within two years prior to last November election. I have no receipts. I had them, but have lost them somehow in moving. I paid no State or county tax to McHale before last election. I came from Conyngham Township, Columbia County, last year. I got to Cass Township in August last. I was registered there before election. Anthony McHale registered me about a week after I came there; he registered me in the registry-book at Kelly's. I got there some time in the latter part of August; I can't exactly say when. I swore to my tax-receipt I had lost them; and I had to swear that I had lived there sixty days before, and had paid tax inside of two years. I say I went inside and swore that to the best of my knowledge I had been there sixty days before, more or less. I went in and swore because I had to get in my vote. Anthony McHale was along with me in at the time, but he did not swear to my residence. I can't say who challenged my vote, but I know I was challenged. I did not pay a State or county tax for 1876. I paid a tax for 1875. I paid it to Neal Linahan; he lives at Centralia; he was the collector of Conyngham Township for 1875. I paid no tax for 1874. I can't exactly say how much tax I paid for 1875, but I think it was thirty-two cents; that was all that was required.

Cross-examined:

I came to South Cass in August last; that was more than sixty days before the election; and I paid a State or county tax within two years prior to November election, 1876. Was born in this country; had been in this State for one year before that election. I was registered up at Kelly's a week or so after I came to Cass. I guess so; it was about a week; I can't say exactly. Kelly's is the voting place in that district.

Redirect:

I went to Kelly's myself to get registered. I didn't apply to anybody to be registered. I got the registry-book; they said I could register myself, and I told him he had better do it, and so he put my name down in the book. The book was hanging up there, and we took down the book, and he registered. I couldn't exactly say whether my name was put there in the book within sixty days or not; I say it was within sixty days that my name was put there. It was about that; it was a week or so after I came there. There was no one but McHale and I there when McHale put my name in that book.

Question. For whom did you vote for member of Congress at last November election?

(Objected to as irrelevant and immaterial.)

Answer. I voted the Democratic ticket. I can't tell you who I voted for for Congress. O, yes; I voted for James B. Reilly. I voted the Democratic ticket. I know James B. Reilly was running for Congress. I disremember now who was on that ticket. I voted for James B. Reilly for Congress.

Recross-examined:

I read my ticket. Yes, I believe I did see Reilly's name on the ticket.

FRANK KEARNEY.

Sworn and subscribed before me April 2, 1877.

SETH W. GEER,
Notary Public.

Adjourned till to-morrow, April 3, 1877, at 9 o'clock a. m.

SETH W. GEER,
Notary Public.

April 3, 1877, the taking of testimony resumed. C. N. Brumm, esq., for contestant, and John A. Nash, esq., for incumbent.

RICHARD HENNESY sworn.

I live in North Cass election-district; am forty-nine years of age. My wife paid State, county, and road tax in the year 1875 for the year 1874; that is the only tax that was paid for me to O'Malley. I paid none in 1876 to McHale. I was not assessed in 1876. I voted at the last November election. I did not go inside and swear as to my residence. The assessor came to me and registered me. Mapstone came to me and talked to me on the road, and how it is I was not assessed I don't know. James Grace was with me; he was taking the names of the voters; he told me the court had appointed him.

(Mr. Nash objects here to all this evidence on the subject of registry, as the registry is the best evidence of the registering; this to apply to all evidence on same subject.)

I have not the tax-receipt with me; that tax-receipt was no good any more after that election. I handed it in with my ticket at the time I voted. I did not see this tax paid myself.

Cross-examined:

I had this tax-receipt at the polls; they refused to take my vote until I showed them this receipt. This receipt was signed by James O'Malley; was for State and county and road taxes, altogether.

Question. Did your wife tell you in the evening when you came home that she had paid the taxes?

(Objected to by Mr. Brumm as hearsay evidence.)

Answer. Certainly she did. She did not show me the receipt. I never do look after the receipt until I be going to the election; she then brought it to me from the bureau. This receipt was for my taxes, of course. I have no one else in the house to pay for. My wife generally pays all bills I owe.

Redirect:

Question. For whom did you vote for member of Congress at the last November election?

(Objected to as irrelevant and immaterial.)

Answer. I voted for the Democratic party, I believe—yes, the Democratic ticket. I didn't open my ticket from the time Mr. Thomas Eagan gave it to me until I voted it.

Recross-examined:

I did not read my ticket, and no one read it for me; I asked for the Democratic ticket and he gave it to me, and I went and voted it. Mr. Eagan did open my ticket; he gave it to me and I went and voted it. All I know about for whom I voted is because somebody told me it was the Democratic ticket; Thomas Eagan told me.

Redirect:

The Thomas Eagan that gave me that ticket is the man that was Democratic member of the legislature.

Recross:

Thomas Eagan was not Democratic member of the legislature at the time he gave me the ticket. I can't tell how long it is since Eagan was a member of the legislature, but I know he was not last November.

his
RICHARD + HENNISY.
mark.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

PATRICK MCGUIRE sworn.

I live in North Cass election-district; am about fifty-four years of age. I have not personally paid a State or county tax within two years prior to last November election; I very seldom pay my tax personally. I have no tax-receipt; I had a tax-receipt before the election, but have lost it. I had a receipt from McHale; my wife paid my tax to him; I saw the receipt too. It was paid before the election; the date of the receipt was 2d of October. When I voted I had O'Malley's receipt; I can't tell when that receipt to O'Malley was paid for; I got it when I was living over in Forestville the year before. I can swear that my receipt to McHale was paid in October.

Question. Mr. McGuire, didn't you swear in the James *vs.* McKibbon contest that you didn't know when your wife paid McHale—whether it was before or after the election?

(Objected to by Mr. Nash, as declarations in that contest cannot be evidence here, is a cross-examination and leading.)

Answer. No; I didn't swear that way to my knowledge; I don't think I could do it.

(Notes of testimony of witness taken in the James *vs.* McKibbon case read to witness by contestant's counsel.

This is objected to by incumbent's counsel, because witness must swear from what he recollects now and not from what he swore or did not swear on a former occasion.

Contestant's counsel reads as follows: "My wife paid a State or county tax to Anthony McHale. I can't tell when she paid, whether it was before or after the election. I have not the receipt with me; it was lost." These are notes of evidence taken by C. H. Taylor, esq.

Objected, in addition to above objection, that the notes read from are not the official notes of the commissioner, but the notes of one of the counsel in the case, which may or may not be true.)

Witness answers: I say now that the fact of the receipt being lost is true; the rest I don't believe to be true. The tax was paid to McHale

before the election. I might have said I didn't know the date of O'Malley's receipt; I know it was paid before the election by the date of it; my wife told me—I saw the tax-receipt. Can't tell when I first saw that receipt; it was some day after I came from school. She told me the receipt was on the window; that Anthony McHale was there and she had paid the taxes to him. It is likely I looked at the receipt then. It was dated the day I saw it; I saw it was dated the 2d day of October when I saw it. I can't swear whether it was on the 2d day of October that I saw it; don't remember what day of the week it was I saw it; I don't know how long before last election it was I saw that receipt; it might have been a month; I took no particular notice to it; I was satisfied my tax was paid, and that was enough.

Cross-examined:

I paid a State and county tax in 1875 to James O'Malley. My wife paid it. The tax-collector generally comes to my house and my wife pays him for me. I never escaped paying taxes since I came to the township. It is called the State and county tax. I guess school-masters don't pay a State tax; I don't know whether we do or not. I am told we don't pay any State tax; the word State is generally crossed off.

Redirect:

I looked for the McHale receipt before the November election, and couldn't find it. I got the O'Malley one; I saw the McHale receipt since; I saw it last February election; I can't find it now; they were white-washing since that and I can't find it.

Question. James O'Malley swore that you didn't pay either a State or county tax for the year 1874 nor 1875, and has so returned you to the county commissioners. Do you still swear that your taxes were paid to O'Malley for both those years?

(Objected to, because no proof before this court of the truth of the premises to this question, and in the absence of such proof it is denied by incumbent—it is leading and a cross-examination.)

Answer. I do. It is not very likely that O'Malley would let me pass.

PATRICK McGUIRE.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

MICHAEL WADE, Sr., sworn:

(Mr. Nash, for incumbent, objects to the calling of this witness on the grounds that he has had no notice for Michael Wade, sr., and offers in evidence notice served upon contestant, signed by James L. Nutting, to James B. Reilly, which is hereto attached and marked "Exhibit No. 5. April 3, 1877.")

Witness proceeds: I live in Mechisburg, North Cass election-district; am about forty-five years of age.

Question. Have you personally paid any State or county tax within two years previous to last November election?

(Objected to on the ground that receipts is best evidence.)

Answer. My wife paid tax to McHale; I don't remember whether it was before or after election.

(Shows receipt dated as follows:

"CASS TOWNSHIP, *December* —, 1876.

"Received of Michael Wade one dollar and sixty-five cents, State and county tax for the year 1876.

"ANTHONY McHALE, *Collector*."

Shows receipt dated as follows:

"CASS TOWNSHIP, *August* 11, 1875.

"Received of Michael Wade four dollars 50 cents, State, county, and road tax for the year 1874.

"J. O'MALLEY, *Collector*."

I was in the house when my wife paid the tax for which this receipt was given. I paid him $3 first, and then he came back again and got the balance. I paid him none since I got that receipt. He didn't come to collect any, and I paid O'Malley no tax before what I paid him for that receipt. I voted at last November election.

Cross-examined:

I was in the house in 1875 when my wife paid the tax for 1874; that is, the balance that remained upon it; $1.50 was what she paid him the last time. I saw her pay it to O'Malley. The receipt was made out in my name, and it was for my taxes. It was paid with my money. I don't know which of us paid the $3. I was in the house when he got the money both times. She generally carries the money.

Redirect:

Both those payments were not made on the same day; can't tell how long it was after he got the first payment that he got the last; it must have been in the same year, I believe.

Q. For whom did you vote for member of Congress at the last November election?

(Objected to as irrelevant and immaterial.)

A. I voted for Reilly.

his
MICHAEL + WADE, SR.
mark.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

JEREMIAH CURRAN sworn.

I did not get any money for election purposes last November election. I got no promise of any. I got no money from James B. Reilly, and no promise of any from him, and I got none from any other candidates. All I did for Reilly I did without any money or any promise of any money. I got none from the Democratic committee, and I got no promise of any.

JEREMIAH CURRAN.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

JAMES PURCELL sworn.

I live in Hecksherville, North Cass election-district; am about forty-seven years of age; can't tell how much over forty-seven. I know I am over forty-seven by the length of time I am in the country and the year I came to the country. I paid a tax to Anthony McHale. I got a receipt from McHale at the election, and it was written in blue pencil. This receipt was given me by Jerry Curran, and the pencil-mark of the date got wore off and I couldn't see it; and then I got another receipt in December, so that I could vote at the February election; that is, the woman got it from him. She paid for it last December. To the best of my knowledge, I did not pay O'Malley any taxes for 1875. I paid

O'Malley taxes in 1874. I don't know whether I paid it or my old woman paid it; whichever paid it, I had a receipt for it. That receipt remained at Mohan's with Mr. James. I had it there, and I left it with Mr. James, and didn't think it was worth anything any more, and didn't demand it.

(Mr. Nash objects to the foregoing taxes, as the receipt for 1874 is still in existence and within the power of contestant to produce, and is the best evidence of its payment and the time when paid.)

I don't remember of my paying that tax in 1874 myself. The woman generally pays the tax. I don't know of any other James Purcell living in Cass Township besides myself. The Widow Purcell may have a James, but I don't know of such. I have lived in Cass Township since 1845 or 1846. It wasn't Cass Township at all then; it was Branch township. I know we had to go to Llewellyn to vote at first; then it got to be Cass.

Cross-examined:

I don't know all the people in Cass Township; how could I?

Redirect:

Q. For whom did you vote for member of Congress at last November election?

(Objected to as irrelevant and immaterial.)

A. I voted for James B. Reilly.

JAMES PURCELL.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

MICHAEL O'CONNOR sworn.

I live at Coal Castle, North Cass election-district. I am going, I guess, on twenty-nine years; that is what it is; am going on twenty-nine; was born in 1848. I paid no tax to Anthony McHale last year. I am in Cass Township since December, 1865. I was assessed for taxes last year. Mapstone assessed me. I paid a State and county tax to O'Malley in 1875 for the year 1875. I paid him in 1875 for 1874, too. I voted at the last November election. I guess I was registered before last election.

Question. Were you registered before last November election; that is, did your name appear on the registry-list?

(Objected by Mr. Nash that registry-list is best evidence.)

Answer. The assessor came to my house last spring, last May, and assessed me; that assessor was William Mapstone. He left no notice with me of assessment. McHale has been at the house. I didn't see him. My wife told me. McHale has asked for no taxes, and I paid him none before election, or since election, but I got a receipt that was given me on election-day, but it was not on that receipt I voted. I voted on my tax-receipt for 1875.

Q. Did you go inside at the election-poll, and swear as to your residence at the last November election?

(Objected to that it is immaterial, as there is no proof here of non-registration.)

A. No, sir; I had to go in and swear that I had paid my tax; that is all. I had no receipt.

Q. For whom did you vote for member of Congress at the last November election?

(Mr. Nash objects, and cross-examines the witness.)

I lived in that election-district more than sixty days before last election; have lived there since I came in the country. I paid a State and county tax in 1875. I am naturalized.

(Mr. Nash still objects. Evidence irrelevant, &c.)

Question repeated to witness, as above.

A. I voted for James B. Reilly.

MICHAEL O'CONNOR.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

WILLIAM HUNT sworn.

I live at Coal Castle, North Cass election-district. Was 23 years old the 3d day of last December. I voted at the last November election. I did not pay any tax previous to last election. I never paid any tax. Nobody came to look for it.

Question. For whom did you vote for member of Congress at the last November election?

(Objected to as not the best evidence, and irrelevant and immaterial.)

Answer. I got the ticket from Jerry Curran, and I don't know whether Reilly or Nutting was on it.

Q. What are your politics, William?

(Objected to as irrelevant and immaterial.)

A. I am a Democrat. I don't know, sir, what I voted. Jeremiah Curran gave me the ticket, and I voted it. Nobody read it for me.

Cross-examined:

I had no receipt for taxes at the last November election. I voted on age.

Redirect:

I was between twenty-one and twenty-two when I voted. I don't know when I was.

Q. How do you know you was between 21 and 22 when you voted?

(Objected to as cross-examination.)

A. My mother told me. I said I would be 23 years old in December next. I went inside and swore at the last November election, and swore I was 23 years old in December. I swore at that election that I would be 23 years old at the next December.

(The last answer was in response to the following question, which Mr. Nash now asks to have taken:)

Q. Then you swore at the last November election that you would be 23 years old at the next December?

(Objected; new, as leading, and cross-examination, and an attempt to contradict his own witness, by whose answer he is bound.)

Contestant pleads surprise.)

Answer to above question was, Yes; what I swore at the election I swore to upon information received from my mother; and as far as I know, I swore to the truth at the election. And I am still sure I would be 23 years old the December next after the last November election.

Q. Then, if December following the last November election has already passed, you are 23 years of age now, are you not?

(Objected to as an attempt to cross-examine your own witness, and to contradict him by whose answers you are bound.)

A. Yes, sir.

Q. Then last November you were 22 years of age, were you not?
(Objected to as above.)
A. Yes, sir.

Recross:

I swore at last November election that I was between 21 and 22 years of age. That was true. I am certain I will become 23 years of age next December. I am certain I will not be 23 until the 3d day of of next December. The 3d of last December I was 22 years of age. I became 22 years of age on the 3d day of December last. I don't know anyhow what the election officers swore me to, when I went inside. It is next December I will be 23, and I was mistaken when I said I was 23 last December, and I wouldn't become 22 until the December after I voted.

Redirect:

Q. William, what month comes after November?
(Objected as before.)
A. December.
Q. Then, William, if, as you swore here a number of times that you would be 23 years old on the 3d of December following last November, and as you have shown that you know that the next month after November is December; then don't you know that it is true, as you have sworn, that you were 23 years old the month following last November?
(Objected to as the question is incomprehensible to the witness; that it is an attempt to contradict contestant's witness, is leading, and cross-examination.)
A. Yes.

Recross-examined:

Q. William, then you are still positive that you became 22 on the 3d day of December last?
(Objected to by contestant, as witness has already sworn positively that he was 23 years old last December, and that this was on information received from his mother.)
A. My answer is 23.
Q. Then, won't you be 23 on the 3d day of December next?
(Objected to by contestant, as the witness has already answerd the last question, and numerous questions before, that he was 23 years of age in December following last November, and that therefore he was 23 years of age last December.
Mr. Nash, for incumbent, objects to this going on record, and states that witness has positively stated a number of times that he was 22 last December only; that he was between 21 and 22 at last November election, and will be 23 in December next, and the question is now withdrawn.)

his
WILLIAM + HUNT.
mark.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

HENRY BAMBRICK sworn.

I live in North Cass election-district. I am going on twenty-six years of age. I paid no tax to Anthony McHale before last election, and I paid none to O'Malley. I have paid no State or county tax within two years before last election. I voted at last November election.

Cross-examined:

My tax was paid for me by the committee. I had not the receipt. I got it the day of the election. I have the receipt. I have it here. (Receipt produced at request of incumbent's counsel, as follows:

"CASS TOWNSHIP, *October* 5, 1876.

"Received of Henry Bambrick one dollar 65 cents, State, county, and —— tax for the year 1876.

"ANTHONY McHALE,
"*Collector.*")

Redirect:

Jerry Curren gave me that receipt on the election-day.

Question. For whom did you vote for member of Congress at the last November election?

(Objected to as before.)

Answer. For James Reilly.

his
HENRY + BAMBRICK.
mark.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

PATRICK LAWLER sworn.

I live in North Cass election-district. Am pretty near sixty-six years of age. I have a son, John Lawler. Have no son Patrick. I was in the Army, in the Ninety-fifth Regiment, Pennsylvania Volunteers. My captain was John H. Carpenter. I enlisted the 1st of April, 1863. I believe I drew my paper in Pottsville. John O'Brian was my witness. I was only in the Army three months and some days. I did not pay McHale any money myself upon that tax-receipt. I got this receipt at the last general election-day from Alexr. McDonald and Thos. Eagan. Thos. Eagan had nothing to do with it, only I had no tax-receipt, and Thos. Eagan gave me this one. I have been exempt since 1863. Only ten-cents. (Receipt shown, as follows:)

"CASS TOWNSHIP, *October* 1, 1876.

"Received of Patrick Lawler —— dollars 27 cents, State, county, and —— tax for the year 1876.

"ANTHONY McHALE,
"*Collector.*"

The last tax-receipt I had before this was for 1863. I know I paid for two receipts before this, but I have lost them. I personally paid no money to Esquire O'Malley for 1875 taxes. I forget whether I paid any tax to O'Malley for 1874 or not. The last receipt I had before this was for 1873. I did not pay James O'Malley any taxes within the last three years—not a cent. I voted at the last November election.

Question. For whom did you vote for member of Congress at the last November election?

(Objected to, as heretofore.)

Answer. I voted the whole Democratic ticket. I don't know who was on the ticket. Thomas Eagan required me to vote, and I told him I had no tax-receipt, and he told me to vote them, they were two Irishmen running against each. Then Alexander McDonald filled that receipt and gave it to me, and I took it and voted on it. Thomas Eagan gave me the ticket, a full ticket, and I voted it all. I did not read it. I hadn't my "specs" with me. The way it was folded up I put it right in.

Cross-examined:

I said 1873 was the last tax-receipt I had, and so it was, too. What I told you before, I had tax-receipt after 1873, but I lost them. I had receipts after 1873, certainly, but I have nary one now, only the one I showed you. I said I had tax-receipts after that of 1873, but I lost them. When Alexander McDonald gave me that tax-receipt at the polls it was filled up. Of course, I guess it was filled up, and paid for, too. I think so, or I would not get it.

Redirect:

I don't recollect of paying O'Malley any money for the taxes for the two years before I got this receipt. I don't know but I did, but I don't recollect. If I had other receipts since 1873 I can't tell from whom I got them.

PATRICK LAWLER.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

JAMES O'CONNOR sworn.

I live at Coal Castle, in North Cass election-district; am between twenty-one and twenty-two years old. I was born on the 20th of August, 1855. On the 20th of August, 1876, I was 21 years old. I voted at the last November election. I never voted before then. I swore when I voted at the last November election. I signed some papers. I didn't sign them myself, but the judge signed them, that is, papers that I had a right to vote.

Question. For whom did you vote for member of Congress at the last November election?

(Objected to, as heretofore.)

Answer. James B. Reilly.

Cross-examined:

I was born at Hecksherville, North Cass election-district, the same place I voted, and I have lived there since I was born, continuously; and at the last November election was between twenty-one and twenty-two.

JAMES O'CONNOR.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

THOMAS WHALEN sworn.

I live at Call Castle, North Cass election-district. I did not vote at the last November election. There is no other Thomas Whalen living in Cass Township that I know of. I was born there, and am, to the best of my opinion, between thirty-four and thirty-five years old.

Cross-examined:

I don't know all the people in Cass Township. I can't swear whether or not there are some other person named Thomas Whalen in Cass Township. I know there are Whalens in it, but don't know whether there is a Thomas or not.

his
THOMAS + WHALEN.
mark.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

PATRICK HUGHES sworn.

I live in Coal Castle, North Cass election-district. I paid no State or county tax to Anthony McHale last year. I personally paid a tax to James O'Malley for 1875; have got the receipt. (Receipt shown:)

"CASS TOWNSHIP, *January* 18, 1875.

"Received of Patrick Hughes one dollar 50, State, county, and —— tax for the year 1875.

"J. O'MALLEY, *Collector*."

I have another receipt from O'Malley. (Receipt produced, as follows:)

"CASS TOWNSHIP, *December* 23, 1874.

"Received of Patrick Hughes four dollars 50 cents, State, county, and road tax for the year 1874.

"J. O'MALLEY, *Collector*."

I did not pay James O'Malley any money for this receipt. I paid O'Malley for the receipt dated in 1876. This is the one I claimed the right to vote on.

(This is objected to by Mr. Nash, for incumbent, as the right to vote does not depend upon the receipt, but upon the payment of tax within two years.)

The only tax I have paid within two years previous to last November election is the one I paid O'Malley for which I got that receipt dated January 18, 1876. I voted in November, 1876.

Question. For whom did you vote for member of Congress at the November election in 1876?

(Objected to, as heretofore.)

Answer. For James B. Reilly, of course.

Cross-examination:

I paid this tax to O'Malley myself, personally.

PATRICK HUGHES.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

EDWARD MURPHEY sworn.

I live in Mechisburg, North Cass election-district. Am over 40 years of age. I paid no tax to McHale before the last November election. My wife paid a tax to O'Malley in 1875; have a receipt for it, as follows:

"CASS TOWNSHIP, *October* 15, 1875.

"Received of Edward Murphey three dollars, State, county, and road tax for the year 1874.

"JAMES O'MALLEY, *Collector*."

This is all the receipt I have of O'Malley's; this was all I paid for that year. I understood that was for two years. The only tax I know of being paid to O'Malley is what I got this receipt for, and this was paid by my wife. I was working the day that was paid, so I did not see my wife pay it. The only way I know O'Malley was paid for any tax is because my wife told me so, and because I have this receipt. I voted at last November election.

Question. For whom did you vote for member of Congress at the last November election?

(Objected to as heretofore.)

Answer. I didn't know. I didn't read my ticket. From the account I

got I voted the Democratic ticket; all that was on it. I got that ticket from James Lynch. He told me it was one.

his
EDWARD + MURPHEY.
mark.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

JOHN COMFORD sworn.

I live in Hecksherville, North Cass election-district. Am between twenty-two and twenty-three years old. Was born in 1853, I believe. I don't exactly know the date—the month—but I know the year was 1853. I paid no tax to Anthony McHale before last election. I never paid any tax. I know I was born in 1853 by the time I voted first. I know by my age that I must have been born in 1853. I never heard my parents or anybody say I was born in 1853. Was born in Hecksherville. I never saw any record of my birth. I did not vote at last November election. I didn't vote at the last Presidential election. There is no other John Comford living in Cass Township that I know of.

JOHN COMFORD.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

JOSEPH F. WELSH sworn.

I live at Thomastown, North Cass election-district. To the best of my knowledge I am 33 years of age. I voted at last November election. I didn't pay any taxes to Anthony McHale previous to last election. My wife generally paid all bills. She states that she paid tax, but don't know what year. There was no tax paid for me to McHale last year. My wife states that she paid tax to O'Malley either in the latter part of 1874 or in 1875. I can't say what year she paid it for. The receipt went astray. I saw that receipt. I had it either the day or so before the last November election. It was about the election in the spring of 1876 I had it. I can't tell when that receipt was dated. I can't tell what year it was for, whether for '74, '75, or '76.

JOSEPH F. WELSH.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

WILLIAM RYAN sworn.

I live in Hecksherville, North Cass election-district. Am about 31 years of age. I voted at last November election. I paid no tax to Anthony McHale before last November election. I didn't pay it; my wife did. My wife didn't pay any to McHale before last election; that is, last November election. The tax my wife paid McHale was paid since last November election. (Shows receipt, as follows:)

"CASS TOWNSHIP, *October* 15, 1875.

"Received of William Ryan two dollars twenty-five cents, State, county, and road tax for the year 1874.

"J. O'MALLEY, *Collector.*"

I did not pay O'Malley for this receipt. My wife paid it. I did not see her pay it. I was just coming into the house as he went out. I paid O'Malley no other receipt except what this receipt calls for.

Question. For whom did you vote for member of Congress at last November election?

(Objected to as irrelevant and immaterial.)

Answer. I voted for James B. Reilly, on that ticket.

Cross-examined:

I read some of my ticket. I read enough to tell who was on it for Congress. The money my wife paid for this tax-receipt was mine. I earned it anyhow. I paid no taxes for 1875. I don't know whether my wife paid any taxes for 1875. I give my wife the money, and she pays all the bills, taxes included.

WILLIAM RYAN.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

ALEXANDER MCDONALD called.

(Mr. Nash objects to this witness being called, as incumbent has received no notice of contestant's intention to call him, and refers to Exhibit No. 5, offered by him in evidence. Witness, therefore, not sworn.)

CHARLES N. BRUMM, Esq., called.

(Mr. Nash objects to this witness being sworn, as no notice has been given by contestant of his intention to call this witness, and refers to Exhibits No. 5, April 3, 1877, and No. 1, March 28, 1877, as evidence of that fact.)

Witness sworn.

I have been counsel for Mr. Nutting before Seth W. Geer, esq., notary public, before whom the testimony in the contest between James L. Nutting and the Hon. James B. Reilly was taken. I was present during the taking of the whole of said testimony before the said Seth W. Geer, esq., notary public. That during all of this examination before him all questions that were put to witnesses either by or for the said James L. Nutting or the Hon. James B. Reilly were reduced to writing by the said Seth W. Geer, esq., notary, as aforesaid, in every case when he was requested by either party to do so. That the said notary in no instance declined reducing to writing or securing any testimony that was offered by either party during the examination before him, excepting the single instance when Mr. Nash, counsel for Hon. James B. Reilly, undertook to examine a certain James Grace, of North Cass election-district, a witness called in behalf of said James L. Nutting, upon a question that was not broached in the examination-in-chief; the said Grace not even being examined in chief upon any other subject than the matter of giving out tickets at the last November election; and then I believe the said Seth W. Geer, esq., after noting the objection on behalf James L. Nutting, ruled that the proposed question by John A. Nash, esq., was not a cross-examination, and so entered it upon record. I further state here that the political meeting spoken of by Charles Zuppert, a witness called in behalf of James L. Nutting, was held but three or four days before last November election, and that I was one of the parties that addressed that meeting.

Cross-examined by Mr. Nash:

Question. Were the questions asked of the respective witnesses written out by Mr. Geer, the notary, as they were asked?—Answer. They were

not as a rule, unless notary was requested to reduce them to writing, and then in each instance the notary complied with such request.

Q. Do you remember one evening when taking testimony in chief here for contestant that I asked a number of questions of a witness that Mr. Geer did not take them down, together with the answers, and said, "You may write all night; I will not put anything more down," or words to that effect?—A. I remember that upon one occasion there was a controversy between you and Mr. Geer either as to what a certain witness said or did not say, and that Mr. Geer put down all that he alleged he understood that the witness had said, while you contended other things had been said or had not been said; and Mr. Geer declined putting your version of the matter down, and put down the matter as he understood it.

Question repeated. I will say that Mr. Geer never did decline to put down any questions propounded to witnesses excepting as heretofore stated in the case of James Grace; and my recollection of his remark with reference to you writing all night if you pleased, was in response to your determined effort to force him to put down matters stated by witnesses different from what he, Mr. Geer, understood the witness to say.

Q. I will refresh your recollection by saying I think it was in the testimony of Jeremiah Curran in which I put a number of questions and requested Mr. Geer to put them down, and he refused to put them down.—A. I think you are certainly mistaken.

Q. Has not Mr. Geer throughout the taking of the testimony here asked questions of witnesses frequently?—A. Mr. Geer in no instance asked questions of witnesses during the examination before him, except by inadvertence of counsel on either side certain questions were omitted that were self-evidently omitted by error of counsel on both sides, and without which the testimony would not be sensible; and then in every instance that I remember they were more in the nature of friendly suggestions to the counsel engaged on both sides of this contest.

Q. Don't you know that since we have been taking what is called rebuttal testimony that I have twice had to call Mr. Geer's attention to it, and object to his asking questions?—A. I think I do remember of your saying something to Mr. Geer of that effect, but it was uncalled for by you, as Mr. Geer asked questions of witness to satisfy himself what witness had said after you had disputed with Mr. Geer and myself as to what witness really did say; and then Mr. Geer repeated same question to witness for the purpose of settling the dispute, thereby enabling him to get down the correct answer of the witness.

Q. Don't you know there was no dispute at the time, and I objected to his asking an original question?—A. I don't remember of any such question except as stated heretofore.

Q. Don't you know that Jeremiah Curran desired his testimony to be read to him, and Mr. Geer refused to do so?—A. I don't know of him or any one else desiring his testimony to be read to him, and I am positive that Mr. Geer never refused reading the testimony to any of the witnesses before signing or after signing if they requested it to be read, for had he done so I should myself have requested him to read the testimony; and if he would have refused to read it, I should have asked him to make a note of such refusal, and also to note my request to read such testimony.

Q. Was the testimony read over to witnesses before signing?—A. There were quite frequently portions of testimony read over to witnesses at their request, and at request of counsel, and I don't remember

one instance of any witness asking the whole of his testimony to be read over to him.

Q. Was the testimony read over to the witnesses before signing?—A. It was not.

Q. Wm. R. Smith is the general counsel for Mr. Nutting in this case?—A. Not more so than I am. He is senior counsel, that is about all.

Q. Mr. Geer and Mr. Smith for some time occupied the same office together in Pottsville about the time this contest commenced?—A. I believe so.

Q. Have they the same relation now?—A. I believe so; but Mr. Geer has his principal office in Minersville, where he lives; has his library, papers, &c., here, while I believe he only has desk-room in Mr. Smith's office; and I know from conversations between Mr. Smith and Mr. Geer that Mr. Smith moved his office since this contest is started without consulting Mr. Geer, and without Mr. Geer knowing anything about it until after the office was moved.

Q. Mr. Geer's son is acting paymaster for witnesses for Colonel Nutting?—A. Yes, sir.

Q. Have you and Mr. Smith had frequent consultations in Pottsville on the subject of this contest?—A. Yes; and in different parts of this county.

Q. Has Mr. Geer been present at any of these consultations?—A. I don't remember of Mr. Geer ever being present at any of the consultations with Mr. Smith except when the subject of Mr. Geer's powers as notary in this case were discussed, and that especially with reference to the power to open ballot-boxes for the purpose of examining ballots, to show how persons proven to have been illegal voters may have voted for Congress. He certainly was not present at any time that I know of by any special arrangement, except as stated heretofore, viz, with reference to his powers.

Q. Have you and Mr. Geer consulted together in regard to this case?—A. We have inadvertently spoken about the matter frequently as we would happen to meet, but don't remember that there was ever any special meeting arranged between him and me excepting as stated before, with reference to his powers.

CHAS. N. BRUMM.

Sworn and subscribed before me April 3, 1877.

SETH W. GEER,
Notary Public.

Paper hereto attached and marked "Exhibit No. 6, April 3, 1877," offered in evidence by counsel for contestant.

Also papers hereto attached and marked respectively Exhibits No. 7, No. 8, and No. 9, April 3, 1877, offered in evidence by counsel for contestant.

Exceptions to evidence hereto attached and marked "Exceptions filed April 3, 1877," offered by incumbent's counsel.

Answer to exceptions to evidence hereto attached and marked "Answer to exceptions filed April 3, 1877," offered by counsel for contestant.

SETH W. GEER,
Notary Public.

The taking of testimony at this place closed April 3, 1877.

SETH W. GEER,
Notary Public.

All interlineations and erasures made in the taking down of the testimony on the said 28th and 29th days of March, 1877, and on the said second and third days of April, A. D. 1877, were made at the time, and before signing, by the respective witnesses.

SETH W. GEER,
Notary Public.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

I, Seth W. Geer, notary public, duly commissioned by the governor of the commonwealth of Pennsylvania, under the laws thereof, in and for the county of Schuylkill, and residing in Minersville, in the thirteenth Congressional district of Pennsylvania, before whom the foregoing evidence was taken, do hereby certify that the foregoing testimony is the testimony of the several witnesses produced and examined on the part of the contestant on the several days the examinations bear date; that before said witnesses were examined they were severally sworn or affirmed, and that the testimony, together with the questions proposed by the agents or attorneys of the parties, were reduced to writing by me, and duly signed by the respective witnesses before me, and that the several exhibits hereinbefore referred to and numbered were severally offered in evidence, and are hereto attached.

Witness my hand and official seal, at Minersville, in the county of Schuylkill and State of Pennsylvania, this 3d day of April, A. D. 1877.

[SEAL.] SETH W. GEER,
Notary Public.

Exhibit No. 7, April 3, 1877.—Seth W. Geer, Notary Public.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Jerry Curran, Alex. McDonald, Patrick Breen, Wm. Breen (Big), Patrick Curran, Francis Carney, Thos. Coslow, Wm. Delaney, John Fadden, Patrick Fadden, Patrick Haggerty, Jas. Lynch, sr., Jno. Langton, Jacob Molly, Geo. Malley, Lawrence Murphy, Thos. Moran, Wm. Mailley, Wm. Purcell, Richard Prendergast, Geo. Slain, Michael Walsh, (all of South Cass). Henry Bambrick, Theo. Brennan, Thos. P. Brennan, Timothy Brennan, Wm. Brennan, Michael Brennan (shoe), Jno. Brennan (Rush), Michael Brennan (Little Red), Jno. Bergan, Pat Bergan, Larry Cranan, Wm. Conderin, Lag Champion, Pat Hughes, Richard Hennesy, Pat Lawlor, Pat McGuire, Ed. Murphy, John Murphy, Pat Murphy, Pat McDonald, jr., Rev. M. T. O'Brian, Jas. O'Connor, Michael O'Connor, Jas. Purcell, Wm. Ryan, Pat Ryan, Wm. Sweeney, Jos. Walsh, Patrick Wade, sr., Thos. Whalen, Michael Wade, jr., Wm. Hunt, Michael Wade, Pat Boran, John Comeford, Jas. Fadden, Jno. H. Ward, (North Cass):

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of Morgan Schwartz, in the borough of Minersville, in said county, on Thursday the 29th day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said contestant; and you are hereby required

to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1875 and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 24th day of March, A. D. 1877.

[SEAL.] SETH W. GEER,
Notary Public.

SCHUYLKILL COUNTY, *ss:*

Before me, the subscriber, a notary public in and for the State of Pennsylvania, personally came J. H. Levan, who, being duly sworn, doth depose and say that he served a true and correct copy of the within subpœna on Jacob Malley, Wm. Purcell, Wm. Breen, sr., Pat'k Breen, Wm. Purcell, Alex. McDonald, Thomas Brennan (Rush), Pat'k McGuire, Wm. Brennan, Wm. Hunt, Michael Wade, Jerry Curran, Pat'k McDonald, John Ward, and John Fadden, personally, and on George Mally, Lawrence Murphy, Wm. Delaney, Jos. Welsh, Thomas P. Brennan, Lawrence Creenae, Lag Champion, Wm. Ryan, Pat'k Ryan, Michael Brennan, and Wm. Mally, by leaving a copy with an adult member of their families at their residences respectively.

JAS. H. LEVAN.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

[SEAL.] SETH W. GEER,
Notary Public.

SCHUYLKILL COUNTY, *ss:*

Before me, the subscriber, a notary public, personally came Richard K. Levan, who, being duly sworn, doth depose and say that he served a true and correct copy of the within subpœna on James Fadden, Pat'k Fadden, J. Lynch, Pat'k Hagerty, Richard Hennesey, J. Brennan, Jno. Comford, James O'Conner, Mich. Conner, Ed. Murphey, Pat Hughes, Thomas Costlow, and Thomas Moran, personally, and on Frank Bradey, Francis Carney, Rich. Pendegrast, Pat Curran, John Langton, George Slain, Wm. Condron, Pat'k Lawler, Mich'l Wade, Pat Wade, James Purcil, Pat'k Boran, Pat Murphey, H. Bambrick, John Murphey, Thos. Whalen, and Pat Murphey, by leaving a copy at their respective residences with adult members of their families.

RICH'D K. LEVAN.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

[SEAL.] SETH W. GEER,
Notary Public.

Exhibit No. 8, *April* 3, 1877.—*Seth W. Geer, Notary Public.*

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To George Albert, Gottlieb Auba, John Butler, Edward Brady, William Breen, jr., James Brogan, Daniel Brennan, Edward Bradly, Henry Betz, Patrick Buggy, George Berkes, George Burke, Patrick Barney, James Curren, Thomas Carroll, Dennis Conly, Martin Colgan, Thomas Carroll, Martin Deegan, Michael Feeney, jr., Terence Farley, Edward Langton, Frank Bradey.

You are hereby required and commanded that, laying aside all busi-

ness and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of Morgan Schwartz, in the borough of Minersville, in said county, on Wednesday, the 28th day of March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the thirteenth Congressional district of Pennsylvania, between James B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said contestant; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1875 and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 22d day of March, A. D. 1877.

[SEAL.] SETH W. GEER,
Notary Public.

SCHUYLKILL COUNTY, *ss:*

Before me, the subscriber, a notary public in and for the State of Pennsylvania, personally came James H. Levan, who, being duly sworn, doth depose and say that he served a true and correct copy of the within subpœna on George Albert, Henry Betz, Michael Feeney, J. Brogan, Frank Bradey, Gottlein Auby, Martin Deegan, Daniel Brennan, Patrick Buggy, James Curran, John Butler, Ed. Langton, Ed. Brady, Dennis Connolly, Pat'k Barney, Ter. Farley, Thomas Carrol, Wm. Breen, jr., Thomas Carrol, Martin Colgan, and George Burks, by handing the same to the several parties personally, or by leaving a copy of the same with an adult member of their several families, at their several residences respectively.

JAMES H. LEVAN.

Sworn and subscribed to before me this third day of April, A. D. 1877.

[SEAL.] SETH W. GEER,
Notary Public.

Exhibit No. 9, April 3, 1877.—Seth W. Geer, Notary Public.

THE UNITED STATES OF AMERICA,
The Commonwealth of Pennsylvania, Schuylkill County, ss:

To Michael Laffe, William Madden, James Madden, Martin Muldoon, Martin Murphey, Patrick McHale, John Murphey, Patrick Nalty, Thomas Ryan, John Reilly, Patrick Reilly, Thomas Ward, sr., Thomas Ward, jr.

You are hereby required and commanded, that, laying aside all business and excuses whatsoever, you be and appear before me, the subscriber, a notary public in and for said county of Schuylkill, or some other person duly qualified, at the public house of Morgan Schwartz, in the borough of Minersville in said county, on Thursday, the 29th day March, A. D. 1877, at 9 o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America, for the thirteenth Congressional district of Pennsylvania, between James

B. Reilly, returned to the Forty-fifth Congress, and James L. Nutting, contestant, on behalf of said contestant; and you are hereby required to bring with you and produce before me, to be given in evidence, your State and county tax-receipts for the years 1875 and 1876, and your naturalization-paper, by virtue of which you claimed citizenship and the right to vote at the general election last November, and this you are in no case to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and official seal this 22d day of March, A. D. 1877.

[SEAL.] SETH W. GEER,
Notary Public.

SCHUYLKILL COUNTY, *ss:*

Before me, the subscriber, a notary public, personally appeared James H. Levan, who, being duly sworn, doth depose and say that he served a true and correct copy of the within subpœna personally on Pat'k Nalty, Thomas Ward, sr., John Murphey, Martin Murphey, John Reilly, and William Madden, and by leaving a true and correct copy of the same with an adult member of their families at their respective residences, on Thomas Ward, jr., Martin Muldoon, and Pat'k Reilly.

JAS. H. LEVAN.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

[SEAL.] SETH W. GEER,
Notary Public.

SCHUYLKILL COUNTY, *ss:*

Before me, the subscriber, a notary public in and for Pennsylvania, personally appeared R. K. Levan, who, being duly sworn, doth depose and say that he served a true and correct copy of the within subpœna on James Madden personally, and on Patrick McHale, Thomas Ryan, and M. Laffee, by leaving a copy of the same with an adult member of their families at their residences.

RICH'D K. LEVAN.

Sworn and subscribed to before me this 3d day of April, A. D. 1877.

[SEAL.] SETH W. GEER,
Notary Public.

Exhibit No. 6, April 3, 1877.—Seth W. Geer, Notary Public.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 24, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses whose names are hereinafter given before Seth W. Geer, esq., notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Morgan Schwartz, in the borough of Minersville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional

district, in the above matter, on Thursday, 29th day of March, A. D. 1877, at 9 o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

John H. Ward and Thomas Quinn, of the borough of Minersville, in said county.

Patrick Breen, William Breen (Big), Patrick Curran, Francis Carney, Thos. Coslow, Phillip Daley, William Delaney, Jno. Fadden, Martin Farrell, Patrick Fadden, Patrick Haggerty, Jno. Lawlor, Jas. Lynch, Jno. Langton, Jacob Molly, George Mailley, Lawrence Murphy, Thomas Moran, Jno. Malley, Pat Murphy, William Mailley, Ed. O'Brian, William Purcell, Richard Pendergust, Thomas Ryan, George Slain, Michael Welsh, all of South Cass Township, in said county.

Henry Bambrick, Thomas Brennan, Thomas P. Brennan, Timothy Brennan, William Brennan, Michael Brennan (Shore), John Brennan (Rush), Michael Brennan (Little Red), Jno. Bergan, Patrick Bergan, Larry Creanan, William Conderin, Lag Champion, Pat Hughes, Richard Hennesey, Patrick Lawlor, Patrick McGuire, Edward Murphy, Jno. Murphy, Patrick Murphy, Patrick McDonald, jr., Rev. M. F. O'Brian, James O'Conner, Michael O'Conner, James Purcell, William Ryan, Patrick Ryan, William Sweeney, Joseph Welsh, Patrick Wade, sr., all of North Cass Township, in said county.

Jno. Allen, Wm. Hunt, Michael Wade, Charles Heims, Michael O'Brien, Patrick O'Brien, Patrick Boran, John Comeford, John Purcell, Michael Wade, jr., Timothy Rearden, Patrick Holiban, John Bergan, William Wright, Thomas Whalen, all of North Cass Township, in said county.

JAMES L. NUTTING,
By his attorney, WM. R. SMITH.

Hon. JAMES B. REILLY.

STATE OF PENNSYLVANIA,
County of Schuylkill, ss:

Personally came before me, the subscriber, a notary public in and for said State and county, William R. Bowman, who, being duly sworn, says that on the 24th day of March, 1877, he served the foregoing notice to take depositions upon the said James B. Reilly, by leaving with him, personally, a full, true, and complete copy or duplicate thereof.

WM. R. BOWMAN.

Sworn and subscribed before me this 28th day of March, 1877.
[SEAL.] H. K. WESTON,
Notary Public.

Exhibit No. 5, April 3, 1877.—Seth W. Geer, Notary Public.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 24, 1877.

SIR: You are hereby notified that in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of

contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses, whose names are hereinafter given, before Seth W. Geer, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Morgan Schwartz, in the borough of Minersville, inthe county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Thursday, the 29th day of March, A. D. 1877, at 9 o'clock in the forenoon, and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

John H. Ward and Thomas Quinn, of the borough of Minersville, in said county.

Patrick Breen, William Breen (Big), Patrick Curran, Francis Carney, Thos. Coslow, Philip Daley, William Delaney, Jno. Fadden, Martin Farrell, Patrick Fadden, Patrick Haggerty, Jno. Lawlor, Jas. Lynch, Jno. Langton, Jacob Molly, George Mailley, Lawrence Murphy, Thomas Moran, Jno. Malley, Pat Murphy, William Mailley, Ed. O'Brian, William Purcell, Richard Prendergust, Thomas Ryan, George Slain, Michael Welsh, all of South Cass Township, in said county.

Henry Bambrick, Thomas Brennan, Thomas P. Brennan, Timothy Brennan, William Brennan, Michael Brennan (Shore), Jno. Brennan (Rush), Michael Brennan (Little Red), Jno. Bergan, Patrick Bergan, Larry Creanan, William Conderin, Lag Champion, Pat Hughes, Richard Hennesey, Patrick Lawlor, Patrick McGuire, Edward Murphy, Jno. Murphy, Patrick Murphy, Patrick McDonald, jr., Rev. M. F. O'Brian, James O'Connor, Michael O'Conner, James Purcell, William Ryan, Patrick Ryan, William Sweeney, Joseph Welsh, Patrick Wade, sr., all of North Cass Township, in said county.

Jno. Allen, William Hunt, Michael Wade, Charles Heims, Michael O'Brian, Patrick Boran, John Comeford, John Purcell, Michael Wade, jr., Timothy Reardon, Patrick Holihan, John Bergan, William Wright, Thomas Whalen, all of North Cass Township, in said county.

JAMES L. NUTTING,
By his attorney, WM. R. SMITH.

Hon. JAMES B. REILLY.

Exhibit No. 4, *March* 28, 1877.—*Seth W. Geer, Notary Public.*

CASS TOWNSHIP, *May* 14, 1875.

Received of Martin Muldoon two dollars and twenty-five cents, State, county, and road tax for the year 1874.

J. O'MALLEY, *Collector.*

Exhibit No. 3, *March* 28, 1877.—*Seth W. Geer, Notary Public.*

CASS TOWNSHIP, *October* 9, 1876.

Received of John Currier —— dollars, fifteen ——, State, county, and —— tax for the year 187–.

ANTHONY MCHALE, *Collector.*

Exhibit No. 2, March 28 1877.—Seth W. Geer, Notary Public.

CASS TOWNSHIP, *October* 14, 1875.

Received of Patrick Buggy three dollars, State, county, and road tax for the year 1874.

J. O'MALLEY, *Collector.*

Exhibit No. 1, March 28, 1877.—Seth W. Geer, Notary Public.

In the matter of the contested election for a member of Congress from the thirteenth Congressional district of Pennsylvania, in the House of Representatives of the Congress of the United States for the Forty-fifth Congress.

POTTSVILLE, PA., *March* 22, 1877.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe a mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, it is my intention to examine the witnesses, whose names are hereinafter given, before Seth W. Geer, esq., a notary public in and for said Schuylkill County, Pennsylvania, duly commissioned and qualified, residing within said Congressional district, and being duly authorized by law to examine such witnesses, or before some other person or persons duly qualified, at the public house of Morgan Swartz, in the borough of Minersville, in the county of Schuylkill, in the State of Pennsylvania, and within said thirteenth Congressional district, in the above matter, on Wednesday the 28th day of March, 1877, at nine o'clock in the forenoon and each and every day thereafter, Sundays excepted, until the evidence in said matter shall be taken at said place or such other place or places in said thirteenth Congressional district to which the examination may be adjourned by the officer taking such testimony, to wit:

George Albert, Gotlieb Auba, John Butler, Edward Brady, William Breen, jr., James Brogan, Daniel Brennan, Edward Brady, Edward Bradley, Henry Betz, Patrick Buggy, George Burke, George Berkes, Patrick Barney, Frank Brady, James Curran, Thomas Carrol, Thomas Carl, Denis Conly, Martin Colgan, Thomas Carroll, Martin Deegan, Michael Finney, jr., Terrence Farley, Edward Langton, Michael Laffee, William Madden, James Madden, Martin Muldoon, Martin Murphy, Patrick McHale, John Murphy, Patrick Nalty, Thomas Ryan, John Riley, Patrick Riley, Thomas Ward, sr., Thomas Ward, jr., all of South election-district, in said county.

James Crowe, of Riley Township, in said county.

JAMES L. NUTTING.

To Hon. JAMES B. REILLY.

Exceptions to evidence.

In the matter of the contest for a seat in the House of Representatives of the Congress of the United States from the thirteenth district of Pennsylvania.

JAMES L. NUTTING
vs.
JAMES B. REILLY.

And now, April 3, 1877, the incumbent, James B. Reilly, by his counsel, John A. Nash, excepts to all of the testimony taken by contestant

since the 25th day of March, A. D. 1877, the time when his last ten days commenced, on the following grounds, to wit:

1. Because none of the said testimony is in rebuttal of any testimony taken by said incumbent during his term of forty days, except that of Capt. Chas. N. Brumm, and of his evidence the said incumbent had no notice.

2. That the answers of witnesses, together with the questions proposed, were not written out by the notary upon the notes of testimony.

April 3, 1877.

JNO. A. NASH,
For JAMES B. REILLY.

Exceptions filed April 3, 1877.

SETH W. GEER,
Notary Public.

In the matter of the contest for a seat in the House of Representatives of the Forty-fifth Congress of the United States from the thirteenth district of Pennsylvania.

Now, to wit, this 3d day of April, A. D. 1877, James L. Nutting, the contestant, by his counsel, Chas. N. Brumm, makes the following answers to the exceptions filed this day by John A. Nash, esq., attorney for Hon. James B. Reilly, incumbent, to wit:

The answers of witnesses, together with the questions proposed, were always written out by the notary upon the notes of testimony in every instance where the counsel of either party to this contest requested the questions with the answers to be reduced to writing.

JAMES L. NUTTING,
By his attorney, CHAS. N. BRUMM.

Answer to exception filed April 3, 1877.

SETH W. GEER,
Notary Public.

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